sador Extraordinary and Plenipotentiary of the United States of America to Norway.

DIPLOMATIC AND FOREIGN SERVICE

John R. Stevenson, of New York, Special Representative of the President for the Law of the Sea Conference and Chief of Delegation, for the rank of Ambassador.

(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.)

U.S. AIR FORCE

Brig. Gen. Harold R. Vague, [redacted] FR, for promotion to the grade of major general and for appointment as the Judge Advocate General, U.S. Air Force, under the provisions of chapter 839 and section 8072, title 10, of the United States Code.

U.S. ARMY

1. The following-named person for reappointment to the active list of the Regular Army and Army of the United States with grades as indicated, from the temporary disability retired list, for a period of 1 day, under the provisions of title 10, United States Code, sections 1211 and 3447:

To be major general, Regular Army, and lieutenant general, Army of the United States

Lawrence J. Lincoln, [redacted].

2. The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Lawrence J. Lincoln, [redacted], Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. William Edward Potts, [redacted] U.S. Army.

U.S. NAVY

Vice Adm. C. Edwin Bell, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Comdr. Grace Murray Hopper, U.S. Naval Reserve (retired), for permanent promotion to the grade of captain on the retired list of the U.S. Naval Reserve, in accordance with article II, section 2, clause 2, of the Constitution.

IN THE AIR FORCE AND MARINE CORPS

Air Force nominations beginning Robert Z. Bothe, to be colonel, and ending Howard W. Vanscoy, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 1973.

Marine Corps nominations beginning Harold J. Alwan, to be lieutenant colonel, and ending George P. Wuerch, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 1973.

HOUSE OF REPRESENTATIVES—*Thursday, August 2, 1973*

The House met at 11 o'clock a.m.

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

Let us hear the conclusion of the whole matter: fear God and keep his commandments for this is the whole duty of man.—Ecclesiastes 12: 13.

Almighty God and Father of us all, whose ways are truth and love, at this altar of prayer established by our fathers, we kneel in spirit praying that Thy strength may undergird us in our labors on behalf of our beloved country.

During these disturbing days deepen in us a sense of personal responsibility together with a realization that Thy call to each one of us is not so much to contribute to the world's goods as to contribute to the world's good and the best contributions we can make in an honest, clean, trustworthy life filled with goodwill.

Guide us with Thy spirit that we may be faithful stewards of our national life. May our decisions bridge the gulfs between people and unify us in our desire for life, liberty, and the pursuit of happiness for all.

We pray in the spirit of Christ, our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2120. An act to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 502) entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

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

S. 372. An act to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for Federal office, to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes, and

S.J. Res. 144. Joint resolution to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes.

INSULT TO A JAPANESE-AMERICAN HERO

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

Mr. KOCH. Mr. Speaker, I was shocked to see John J. Wilson, attorney for H. R. Haldeman, state that while he did not oppose the questioning of his client by Senator LOWELL WEICKER, he was upset by the questions of Senator DANIEL INOUYE and went on to state "what I mind is that little Jap." When reporters indicated their surprise at what could only be described as a racist statement, he went on to say:

That's just the way I speak. I consider it a description of the man—I wouldn't mind being called a little American.

John J. Wilson's action has made many Americans, myself included, ashamed. It is particularly distressing that this remark was made while our country was being visited by Japan's distinguished Prime Minister Kakuei Tanaka. Senator DANIEL INOUYE, the U.S. Senator from Hawaii of Japanese-American extraction, served our country in World War II; indeed, he lost his arm in its defense. I do not propose to debate the subject of who is or who is not an American. The Constitution disposed of that issue a long time ago. But I can tell you what I think being a great American requires. It takes more than a particular skin color or ethnic background—it takes an inner decency and courage, exhibited by Senator DANIEL INOUYE and seemingly lacking in John J. Wilson.

MAJORITY LEADER THOMAS P. O'NEILL, JR., BLAMES ADMINISTRATION FOR BEEF SHORTAGE

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

Mr. O'NEILL. Mr. Speaker, we ought to put the blame for the beef shortage right where it belongs—at the door of President Nixon and this Republican administration.

The people of this Nation want beef and there has been virtually none this past week. I have been informed by one company that only two carloads of beef have gone into Boston these past few days. Usually, the city gets 40 carloads a week.

Supermarket shelves everywhere are empty. Meatcutters everywhere are being laid off or are taking off for lack of work. If this keeps up, this thing is going to develop into a serious labor problem as well as a major consumer matter.

Mr. Speaker, this is the fruit of the policy of scarcity practiced by President Nixon and his Secretary of Agriculture.

The Congress extended the economic stabilization legislation last April. We have already given him all the authority he needs to deal with this beef shortage. He is responsible for this shortage, and it is equally his responsibility to get us out of it.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Speaker, the people and the Congress want action.

TEMPORARY EXTENSION OF FHA INSURING AUTHORITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 144) to provide for a temporary extension of the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes, and ask for its immediate consideration.

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. 144

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

EXTENSION OF FHA INSURANCE PROGRAMS

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

(b) Section 217 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "October 1, 1973".

(c) Section 221(f) of such Act is amended by striking out "June 30, 1973" in the fifth sentence and inserting in lieu thereof "October 1, 1973".

(d) Section 235(m) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "October 1, 1973".

(e) Section 236(n) of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "October 1, 1973".

(f) Section 809(f) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "October 1, 1973".

(g) Section 810(k) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "October 1, 1973".

(h) Section 1002(a) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "October 1, 1973".

(i) Section 1101(a) of such Act is amended by striking out "June 30, 1973" in the second sentence and inserting in lieu thereof "October 1, 1973".

FLEXIBLE INTEREST RATE AUTHORITY

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

TEMPORARY WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO GNMA

SEC. 3. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes," approved December 22, 1971, as amended, is amended by striking out "June 30, 1973" and inserting in lieu thereof "October 1, 1973".

REHABILITATION LOAN AUTHORIZATION

SEC. 4. Section 312(h) of Housing Act of 1964 is amended by striking out "June 30, 1973" and inserting in lieu thereof "October 1, 1973".

Mr. PATMAN. Mr. Speaker, this resolution will simply provide for a short-term extension of the FHA insuring authorities and the authority of the Secretary of Housing and Urban Development to set the maximum FHA interest rate until October 1, 1973. It is my understanding that this resolution has the support of the distinguished ranking minority member of the committee, Mr. WIDNALL, and the support of the administration.

This resolution is needed so that FHA may begin to insure mortgages again since the authority to do so expired July 1 of this year. This resolution would also extend the authority of the HUD Secretary to set the maximum FHA interest rate and would also provide for the temporary waiver of certain mortgage limitations applicable to the Government National Mortgage Association. And finally, extends the authorization for the rehabilitation loan program to October 1, 1973.

Mr. Speaker, I urge the House adopt this resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING AUTHORITY OF FEDERAL RESERVE BANKS TO PURCHASE U.S. OBLIGATIONS DIRECTLY FROM THE TREASURY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1410) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1974" and by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

Mr. PATMAN. Mr. Speaker, S. 1410 is an emergency matter, as I have been informed by the Treasury. This bill, as amended, is fully supported by your House Committee on Banking and Currency and, as I have noted, by the administration. Mr. Speaker, this legislation, if enacted, will allow the Federal Reserve to purchase U.S. obligations directly from the Treasury. The legislation would allow this to be done, in effect, for the next 3 months, that is, through October 31, 1973.

This legislation has been extended a number of times since it was first enacted in 1942. The authority has been used in recent years only in periods just prior to tax payment dates. In effect, its existence permits the department to operate with considerably lower cash balances than would otherwise be required. Further, the availability of the direct purchase authority is also important as a standby means of providing a ready source of funds in the event of the disruption of private markets due to a serious national catastrophic occurrence of this magnitude.

AMENDMENTS OFFERED BY MR. PATMAN

Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. PATMAN: On line 5, strike "July 1, 1974" and insert "November 1, 1973"; and on lines 6 and 7, strike "June 30, 1974" and insert "October 31, 1973".

The amendments were agreed to.

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

The title was amended so as to read: "To Amend Section 14(b) of the Federal Reserve Act, as amended, to extend for three months the authority of Federal Reserve Banks to purchase United States obligations directly from the Treasury."

A motion to reconsider was laid on the table.

RACIAL SLURS CANNOT BE CONDONED

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

Mr. ANDERSON of California. Mr. Speaker, I rise to apologize to all Asian-Americans on behalf of those of us who resent the arrogance and ignorance of John Wilson, the attorney for H. R. Haldeman and John Ehrlichman, who believes that he is an "American," and that the distinguished Senator from Hawaii, a decorated hero of World War II, is a "little Jap."

This derogatory racial slur cannot be overlooked as simply the mumbling of an ill-educated and ill-informed individual. This alleged "educated" man is an attorney, a legal adviser to those closest to the President of the United States, and, I suppose, a respected member of the community.

His words and thoughts, unfortunately, are those of a significant segment of our society and, I believe, point up the very real need for the enactment of the Asian-American Affairs Act, H.R. 261, which Congressman MATSUNAGA and I have introduced and which is presently pending in the House Committee on Government Operations.

This proposal is designed to end the prejudice and discrimination against Americans of Asian decent by establishing a Cabinet committee charged with the responsibility of investigating their problems and recommending measures which would solve those problems.

Wilson evidently believes that because I am white, I, too, am an "American," but that those who are black, brown, and red are not. If that is the case, I am

ashamed to be classified with him, and I apologize to those who happen to be minorities for being in any way associated with this bigoted, ignorant individual.

BLAME FOR MEAT SHORTAGES

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

Mr. LATTA. Mr. Speaker, I take this 1 minute to chide my good friend, the gentleman from Massachusetts, for his very partisan statement which he just made on the floor of the House blaming the administration and the Republican Party for the beef shortage.

If the gentleman will just go back into some of the statements he has made prior to today on this House floor, he will find that he has been one of the chief spokesmen of his party for price controls, freezes, that is, and if we would have taken his party's advice and his advice in particular, we would not only have a shortage of beef but we would have a shortage of everything else.

Mr. Speaker, I will be pleased to yield to the gentleman if he would like to contradict this statement.

CONFERENCE REPORT ON LEAA AMENDMENTS

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

Mr. LONG of Maryland. Mr. Speaker, the recent disclosure of secret taping in the White House pointed out the need to secure the right to privacy for members of this free society. On Monday, I introduced a bill to plug a legal loophole—a loophole which unfortunately not even this Conference Report on the Crime Control Act succeeds in closing.

My bill, H.R. 9667, would require that all parties—repeat, all parties—to a conversation, telephonic or live, be informed before it is recorded. My bill is designed to stop the recently revealed White House practice of taping the conversations of Government officials, foreign diplomats, White House staff members—to say nothing of Members of Congress—secretly and without their knowledge.

Such bugging is not restricted to the White House. U.S. District Court Judge Gerhard Gesell recently pointed out that legally sanctioned snooping has become a common practice which has proliferated without judicial supervision. According to Judge Gesell:

> Informers, in return for government promises or hope of favors, are equipped with recording devices and sent into the homes and offices of their friends and confidants to try to trap their words on tape . . . Many individuals, without any knowledge of the government, secretly tape their own conversations with others for ulterior purposes and use casual remarks to extort or intimidate . . .

My bill will make the practice of bugging illegal not only in the White House, but anywhere. Violations would be punishable by fines ranging up to $10,000 and up to 5 years in jail, and by being subject to civil suits. The courts would, of course, retain the power to authorize wiretaps for investigations involving criminal activities or national security.

MR. DALE C. BAXTER OF SYRACUSE, N.Y.

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

Mr. HANLEY, Mr. Speaker, I rise at this time to bring to the attention of my colleagues the professional accomplishments of one of my constituents, Mr. Dale C. Baxter of Syracuse, N.Y.

Mr. Baxter has served as executive director of the Syracuse Junior Achievement since its founding in 1966. Under his direction the program has grown from unknown experiment in economic education to a program of 30 miniature companies, 1,000 annual participants, and solidly established in the community.

Many cities have JA programs and Syracuse's is far from being the largest, but what denotes ours is the love and respect that hundreds of former high school students in the central New York area had for Dale Baxter. The students named him the recipient of the first Kenneth R. Leach Award, recognizing his contribution to their own futures. The annual closing banquet for the program year finds him the recipient of numerous gifts and awards.

Dale Baxter is leaving Syracuse for a new job with Junior Achievement in Denver, Colo. While his many friends and "achievers" will miss him, they all echo my feelings that he finds success and happiness in his new job. While it would be unfair for me to say that Denver is getting the best JA director in the country, I can say that they could not have gotten a better one.

NATIONAL NEXT DOOR NEIGHBOR DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate joint resolution (S.J. Res. 25) to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the fourth Sunday of September of each year as "National Next Door Neighbor Day" and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On page 1, line 5, strike out the words "of each year" and insert in lieu thereof ", 1973.".

The amendment was agreed to.

Mr. MELCHER. Mr. Speaker, I am happy to have the opportunity to support Senate Joint Resolution 25, the national next door neighbor day bill which originated with Mrs. Becky Mattson of Lakeside, Mont.

The idea for this annual day to be observed the fourth Sunday of each September was spearheaded by Mrs. Mattson. Her concern, and that all of us, is the national loss of our sense of community. Many factors have contributed to this loss, including urbanization, high mobility, and others.

In A Nation of Strangers, noted author Vance Packard says that:

> The people of America have no more urgent problem today than to combat the uprootedness and unconnectedness which are producing so much social fragmentation. Most can start in their own towns and urban neighborhoods . . . Technological progress is no bargain if we lose the natural human community in the process.

We must respond to that urgent need and Senate Joint Resolution 25 will help to start us on the right road. Hopefully, that road will lead us to renewed caring for our next door neighbors, for our neighbors down the block, for one generation to the other, and from this Nation to all other nations. By giving people an opportunity to express appreciation for their fellow man, a commemorative day such as this may take the bitter edge of loneliness off and may sustain those whose lives are otherwise lacking in personal contact and human warmth.

As Mrs. Mattson says:

> This day will not be a cure-all for the social ills and fragmentation in today's world but it will be one short easy step for families to make together and a basic way to begin a new age of caring.

I urge unanimous passage of Senate Joint Resolution 25 so that we may start a new time of caring on September 23, 1973.

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

The title was amended so as to read: "To authorize and request the President to issue a proclamation designating the fourth Sunday in September 1973, as 'National Next Door Neighbor Day'."

A motion to reconsider was laid on the table.

WOMEN'S EQUALITY DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 52) designating August 26 of each year as

"Women's Equality Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. WIGGINS. Mr. Speaker, reserving the right to object, it is my understanding that the gentleman from California will offer an amendment striking the "whereas" clauses in the pending resolution; is that true?

Mr. EDWARDS of California. The gentleman is correct.

Mr. WIGGINS. It is also my understanding, Mr. Speaker, that this resolution commemorates the anniversary of the ratification of the 19th amendment guaranteeing women the right to vote.

It does not in any way constitute a congressional override of a constitutional amendment which is generally known as the equal rights amendment. Is that right?

Mr. EDWARDS of California. That is correct.

Mr. WIGGINS. Mr. Speaker I withdraw my reservation of objection.

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

Mr. GROSS. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman from California who is sponsoring this resolution what the male of the species is supposed to do on this day of August 26.

Mr. EDWARDS of California. The President will issue an appropriate proclamation in the event the resolution is passed by both Houses, and I would hope that all males will join in the celebration as proclaimed by the President.

Mr. GROSS. Do you suppose we could have a holiday on that day so that we could cook the meals and do the laundry for our wives and otherwise demonstrate a proper observance of women's equality day?

Mr. EDWARDS of California. I would not anticipate that would happen, but I hope the gentleman's suggestion will receive serious consideration.

Mr. GROSS. Or let them take over here. They might do a better job.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 52

Whereas the women of the United States have been treated as second-class citizens, and have not been entitled to the full rights and privileges, public or private, legal or institutional, which are available to male citizens of the United States; and

Whereas the women of the United States have united to assure that these rights and privileges are available to all citizens equally, regardless of sex; and

Whereas the women of the United States have designated August 26, the anniversary of the date of the ratification of the nineteenth amendment, as a symbol of the continued fight for equal rights; and

Whereas the women of the United States are to be commended and supported in their organization and actvilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 26 of each year is designated as "Women's Equality Day", and the President is authorized and requested to issue a proclamation annually in commemoration of that day in 1920 on which the women of America were first guaranteed the right to vote.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer a series of amendments and ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On page 2, line 3, strike out the words "of each year" and insert in lieu thereof", 1973,".

On page 2, line 5, strike out the word "annually".

On pages 1 and 2, strike out the entire preamble.

The amendments were agreed to.

Mr. CORMAN. Mr. Speaker, I would like to take this opportunity to speak about House Joint Resolution 52, a bill to designate August 26 of each year as "Women's Equality Day." This was the date the 19th amendment to our Constitution was ratified giving women the right to vote.

As a cosponsor of this legislation it is obvious where my sympathies lie. However, today I would like to address my remarks to my colleagues on the role of women in the working world right now.

In the past few years a revolution has taken place among many women of our country. Most men ridiculed it at first as a passing phase—perhaps as something childish. Then it was ridiculed out of fear of something that could not be understood. Now it is plain that women have indeed been treated as second class citizens, that intellectual abilities have been thwarted and opportunities for achievement denied because of sex. This realization is an important first step in overcoming the consequences of longstanding penalities levied against women by virtue of their being women.

Now it is our duty, not only to women or to ourselves but to our country's best welfare, to foster the right attitude for women's equality. The Congress is taking great steps in overcoming its own day-to-day prejudices. Much more must be done.

American business is also trying to provide the same opportunities extended to men for the growing numbers of working women. It will, however, take a long time to quash the discrimination of centuries. Each encounter with women is an opportunity to change this dismal record. Both men and women must work in this direction together.

Mr. Speaker, women's equality is a serious matter that must be dealt with in the years to come with all the maturity of our Nation's people. I sincerely hope my colleagues join me in sharing this view and the other comments I have made today.

Ms. ABZUG. Mr. Speaker, shortly before her death in 1906 Susan B. Anthony measured a tiny space on her finger and mourned:

I have been striving for more than 60 years for a bit of justice no bigger than that, and yet I must die without obtaining it.

The justice she referred to was women's right to vote.

On August 26, 1920, the then Secretary of State Bainbridge Colby signed the womens' suffrage amendment at his home at 8 o'clock in the morning without any ceremony. It is said that the clandestine manner of signing was necessary to avert legal action threatened by opponents of the amendment.

As the 53d anniversary of this secret signing approaches, I commend the Congress on its passage of my bill designating August 26 of each year as "Women's Equality Day."

Suffrage did not come easily to women. A 1923 tract on the whole movement suggested that:

It is doubtful if any group—men or women—who ever kept ward and watch over legislation at Washington ever came to know the true inwardness of the Congress of the United States as suffragists came to know it. For one thing, the suffrage vigil was so long maintained. For another, it engaged the energies of so many different women with so many different points of view from so many . . . parts of the country, all flashing in their reflections of the Congressional body like so many mirrors held up to nature, at every conceivable angle . . . They constituted the largest lobby ever maintained at the national capital, the "Front Door Lobby" as the press called it, in tribute to its above-board methods and policy.

Why did it take so long for women to win the franchise? The opposition was well armed with up-to-date arguments against giving women the vote Opponents voiced the following rationalizations throughout the suffrage campaign: first, women are represented already by their husbands, fathers, and brothers; second, if the laws are unjust, they can be corrected by women's indirect influence; third, it would double the ignorant vote; fourth, a municipality is a great business corporation. Men, by the nature of their occupations, know more about business than women, and hence are better fitted to run a city or a State; fifth, women would cease to be respected; sixth, women can do more good now than if they had the vote, because now they are nonpartisan. If they became voters, their nonpartisan influence would be lost; seventh, women are already overburdened. A woman would not have time to perform her political duties without neglecting higher duties; eighth, it would only double the vote without changing the result.

Women's achievements over the last half century point out the error in these arguments. Yet, the battle is not over. During the past years August 26 has emerged as a date symbolic of women's struggles—past and present. August 26 marks a day of women's rallies, marches, conferences and discussion groups assembling throughout the Nation. August 26 marks a day when we come together over the critical issues facing us as women. August 26 marks a day when

we feel our collective strength. It is also a day when we plan strategies for the days ahead. Job discrimination, lack of day-care facilities for working mothers, discrimination in obtaining mortgages and credit, tax reform to give single women an equal break, and discrimination in obtaining Government benefits such as social security are but a few of the problems we must tackle in the future. I have submitted legislation on these issues and urge your continuing support in securing their passage.

It is my sincere hope that on "Women's Equality Day" people will take time to reflect on the labors of Susan B. Anthony, Lucretia Mott, Elizabeth Cady Stanton and others instrumental in obtaining passage of the 19th amendment, and on the task that remains ahead. This year marks the 50th anniversary of the first introduction of the equal rights amendment into Congress. Thirty States have ratified the ERA and only eight more are needed for passage. Prompt passage of the equal rights amendment by those remaining States will make the "equality" in Woman's Equality Day a reality.

Mr. CONTE. Mr. Speaker, I rise in support of House Joint Resolution 52, to establish Women's Equality Day, of which I am a cosponsor. The designation of August 26 as Women's Equality Day is a recognition of the importance of that day to the continuing effort to establish equal rights for women in this country.

August 26, of course, is the anniversary of that day in 1920 when the 19th amendment was finally ratified—a day which came perhaps too late in our history but which marked the beginning of a new era in the struggle for equal rights for women. With the ballot and female participation in the political process came a growing awareness of the vital contribution of women to our society, and of the necessity for full political, social, and civil rights for women.

Of course, there are still many inequalities and discriminations suffered by women in this country. Another landmark constitutional amendment is on its way to ratification, the equal rights amendment. Thirty of the required 38 States have now ratified this amendment. It is to be hoped that final ratification will come soon, and that the amendment will bring the desired changes in many areas.

There is also a wide variety of legislation pending which affects the rights of women in many areas, including tax treatment, credit and mortgage equality, and job discrimination.

It is clear, however, that not all of the unfair treatment experienced by women can be changed by either legislation or constitutional amendment. Much of the discrimination which exists in this country is due to the social attitudes and prejudices held by people, both men and women. Only time can change this situation, but I believe that public support for improved women's rights and public awareness of both the gains that have been made and the work that remains to be done will assist in this process.

It is for this reason that I support the designation of August 26 as Women's Equality Day, as an indication of congressional support for the continuing efforts to achieve full equality for women and of commemoration of the final ratification of the 19th amendment.

Mr. PODELL. Mr. Speaker, I am proud to be a cosponsor of House Joint Resolution 52, which would designate August 26 as "Women's Equality Day."

In spite of the great advances made in granting full legal and political equality to various minority groups, our record in granting these rights to the majority of Americans—women—has been shameful and sorry. The past 5 years have seen a quiet revolution take place, that has improved the quality of life for everyone in this country. For as women take their rightful place in society as full equals of men, they not only liberate themselves, but also liberate men from roles and stereotypes which are destructive of their humanity.

There is still so much that has to be done in winning equal rights for women. But no matter how many laws this Congress passes on the subject, and no matter how soon the equal rights amendment is ratified, there will still be long years of struggle before society's prejudice against women ends. The women who are carrying on this struggle for themselves and their sisters have earned our respect and deserve our admiration. For they have braved the scorn of not only most of the men in this country, but of many women.

The essence of the women's liberation movement is a simple concept, so simple that it almost escapes comprehension. That concept is, freedom of choice. Letting women have the same freedom to choose between options in lifestyle as we males have always taken for granted. If a woman wants to pursue a career traditionally followed by men, is there any reason why she should not do so if qualified? That is what the movement is about. If a woman wants credit to buy a house or a car, is there any reason why it should not be granted if she is financially sound? That is what the movement is about. If a woman and a man are performing the same task in office or factory, is there any reason why she should not earn the same wage as her male coworker? That is what the movement is about.

The women's groups in this country deserve the highest praise, for they have made us aware of attitudes, often subconscious, which have kept us from utilizing one of this Nation's most valuable resources—its women. The principles of freedom and equality enumerated in the Declaration of Independence, the Constitution, and our body of laws, can never be fully realized until discrimination based on sexual differences is ended. The women's movement in the past 5 years has demonstrated that arbitrary distinctions based on sex are as foolish and damaging as distinctions based on skin color or religion.

The Women's Equality Day resolution before us now will give the women's liberation movement an annual holiday. It commemorates the day on which the 19th amendment, giving women the right to vote, was ratified. But just a national holiday is not enough. A holiday is meaningless unless there is something to celebrate, and the victories which the women's liberation movement can celebrate have so far been all too few. I look forward in the next few years to seeing all arbitrary distinctions between men and women disappear. I have worked with women in this body, and I feel they are my equal in every way. Surely it should be no less in any other segment of this society.

I urge my colleagues to join me in passing this resolution, and in working for the full equality of men and women.

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

The title was amended so as to read: "Authorizing the President to proclaim August 26, 1973, as 'Women's Equality Day'."

A motion to reconsider was laid on the table.

NATIONAL LEGAL SECRETARIES' COURT OBSERVANCE WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be discharged from further consideration of the joint resolution (H.J. Res. 466) authorizing the President to proclaim the second full week in October each year as "National Legal Secretaries' Court Observance Week" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California what the national legal secretaries do that week by way of observance.

Mr. EDWARDS of California. They will still work, I will say in response to the gentleman's question. However, it is a week honoring their rather large contribution to American life.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 466

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation each year designating the second full week in October as "National Legal Secretaries' Court Observance Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer a series of amendments and ask unanimous consent that they may be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On page 1, line 4, strike out the words "each year".

On page 1, line 5, immediately following the word "October" and preceding the word "as", insert ", 1973,".

The amendments were agreed to.

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

The title was amended so as to read: "Authorizing the President to proclaim the second full week in October, 1973, as 'National Legal Secretaries' Court Observance Week'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolutions just passed.

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

There was no objection.

VIETNAMESE-AMERICAN ORPHANS

(Mrs. HOLT asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. HOLT. Mr. Speaker, I rise to express my support for H.R. 8381 which deals with the plight of Vietnamese-American orphans.

At the present time, there are thousands of these children in understaffed orphanages or fending for themselves in city streets. The frightful living conditions of these children have received considerable attention in the media during recent months. Many Americans have responded to this situation by offering to adopt the victims of this tragic war, but they have found their efforts frustrated by existing immigration laws. Over 5,000 families have been approved by local adoption agencies, but immigration statutes preclude 95 percent of these children from being admitted to the United States.

Many of the problems associated with adopting American-Vietnamese children would be eliminated with the passage of H.R. 8381. This bill will automatically grant such a child the status of U.S. citizenship when accepted by a qualified American family. For a child to qualify for this citizenship, he must be under 12 years old, born in the Republic of South Vietnam prior to January 1, 1974, have one parent who, in all probability, was a U.S. citizen, and who has been orphaned or abandoned.

Americans have always demonstrated their willingness to help those in need. I hope that the Congress will assist their efforts to adopt these orphans desolated by war.

PRINTING OF HEARINGS ENTITLED "UNITED STATES BUSINESS INVOLVEMENT IN SOUTHERN AFRICA"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–429) on the concurrent resolution (H. Con. Res. 209) expressing the sense of Congress that additional copies of hearings be printed, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 209

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committee on Foreign Affairs, House of Representatives, one thousand five hundred additional copies each of part 1 and part 2 of the hearings by the Subcommittee on Africa of the House Foreign Affairs Committee in May, June, July, September, November, and December 1971 entitled "United States Business Involvement in Southern Africa."

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF HEARINGS ON RELATIONSHIP OF PESTICIDES TO ENVIRONMENTAL ISSUES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 93–430) on the concurrent resolution (H. Con. Res. 266) to provide for the printing of committee hearings on the Relationship of Pesticides to Environmental Issues and other matters, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON RES. 266

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the House Committee on Appropriations two thousand five hundred copies of part 8 of the hearings on the agriculture-environmental and consumer protection appropriation bill, for the fiscal year 1974.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR APPOINTMENT OF ALTERNATES FOR GOVERNOR OF INTERNATIONAL MONETARY FUND AND OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1887) to provide for the appointment of alternates for the governors of the International Monetary Fund and of the International Bank for Reconstruction and Development.

The Clerk read the title of the Senate bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, am I correctly informed that this is a bill approved by the other body, messaged over here, and has reposed on the Speaker's desk until this time; that this legislation has never seen the light of day in the Committee on Banking and Currency, and if this unanimous consent request should be granted would never be considered in the regular process?

Mr. GONZALEZ. If the gentleman from Iowa will yield, yes. This is a pro forma bill that, I might say, the Senate approved unanimously, and it has to do with the monetary discussions in Nairobi in September on the request of the administration, particularly the money managers of our Government, the Chairman of the Federal Reserve Board and the Secretary of the Treasury. They are recommending that we have this change in the original Bretton Woods agreement whereby, by virtue of this change, the United States will be entitled to name an alternate to the IMF, the International Monetary Fund representative from the United States, and an alternate as a Governor from the United States to the International Bank for Reconstruction and Development, or the World Bank.

Heretofore the United States has had one alternate for both; this would simply provide an alternate for each.

According to the Chairman of the Federal Reserve Board, this would be most helpful to have both at the conference to be held in Nairobi.

As I say, this is a pro forma bill, and I think the Congress would be right in acceding to it.

Remember, we have the regular Governor appointed; this would provide for an alternate for him. It is strictly a change which is in behalf of the United States.

Mr. GROSS. Mr. Speaker, would this mean a principal appointee and an alternate for each purpose?

Mr. GONZALEZ. Yes.

Mr. GROSS. And both will be at the conference?

Mr. GONZALEZ. Apparently the Chairman and the Secretary feel that it would be desirable to have them at the conference.

Mr. GROSS. Why is this meeting being held in Nairobi?

Mr. GONZALEZ. This is the all-important meeting that has been looked forward to.

Mr. GROSS. But why in Nairobi.

Mr. GONZALEZ. I presume that the Members selected this as a suitable place to have this discussion which looks to a permanent and a stable international world monetary arrangement. Incidentally, this week—I think it is a historical week—these representatives have gone a long way in settling the basic differences, looking forward to the meeting in Nairobi.

Mr. Speaker, the purpose of this bill is to allow the President to appoint an alternate Governor for both the International Monetary Fund and the Interna-

tional Bank for Reconstruction and Development, otherwise known as the World Bank. Presently, the law permits the President only to appoint a single person to serve as alternate Governor for both of these institutions. Most major countries have an alternate Governor for each Institution and this is as it should be. Enactment of this bill will allow the President to appoint a representative from the Federal Reserve to serve as alternate Governor for the International Monetary Fund and thereby place the Federal Reserve on a more equal footing with its counterparts in the continuing activities of the International Monetary Fund.

This bill is supported by the administration, its purpose is simple and I urge its immediate enactment.

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

Mr. GROSS. Yes, I will yield to the gentleman from Maryland.

Mr. LONG of Maryland. I wonder if the gentleman from Iowa has heard of the beautiful big game parks there are in Kenya when he was asking why all these interested meetings are held in Nairobi.

Mr. GROSS. I wonder if they were going to go down to Africa to do some big game hunting, or to paper the world with paper gold.

Mr. Speaker, I have no particular objection to the purpose of the resolution. I do not like this procedure of taking legislation approved by the other body, depositing it on the Speaker's desk, and then we by unanimous consent, and without any consideration on the part of the proper committee of the House of Representatives pass that legislation. I do not care what it deals with. This is a poor way to handle legislation. I want the gentleman to know that I am going to withdraw my reservation of objection, but I hope we will have no more legislative maneuvers such as this by which a bill comes over from the other body, is laid on the desk of the Speaker, and then is called up in the House, and we are expected to approve it without the slightest prior consideration. It reflects no credit to the Committee on Banking and Currency for not having taken up this bill in the proper manner. Let me add that my remarks are not directed at the gentleman. He has been delegated the job of calling up this bill by the chairman of the Banking and Currency Committee.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (b) of section 3 of the Bretton Woods Agreements Act (22 U.S.C. 286a) be amended to read as follows: "The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund and an alternate for the governor of the Bank.".

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

CALL OF THE HOUSE

Mr. LONG of Maryland. 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. 417]

Barrett	Gray	Powell, Ohio
Biaggi	Hanna	Reid
Blatnik	Hays	Riegle
Burke, Calif.	Hébert	Rooney, N.Y.
Clark	Heinz	Satterfield
Conyers	Holifield	Sikes
Diggs	Jarman	Skubitz
Esch	Landgrebe	Smith, Iowa
Evins, Tenn.	Lott	Stark
Fisher	Michel	Teague, Calif.
Giaimo	Mills, Ark.	Widnall
Gibbons	O'Brien	

The SPEAKER. On this rollcall 398 Members have recorded their presence by electronic device, a quorum.

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

THE ALLENTOWN FAIR, ALLENTOWN, PA.

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

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am very pleased to call to the attention of my colleagues the 121st anniversary of the Allentown Fair which will be held this year from August 2 through August 11 in Allentown, Pa.

This fair, which is one of the largest county fairs in the United States, is attended each year by over one-half million people from all over the country. These fair lovers are attracted by the exhibits of various products of farm, home, and industry, and are always impressed with the degree of participation of young people, through 4–H, FFA, and other groups, in the overall effort to make the fair a success.

Many people have been involved since the first Allentown Fair in 1852. None, however, have been more instrumental in making the fair the huge success it is today than Edward G. Leidig, who has been its manager since 1958.

Mr. Leidig's vigorous leadership and contagious enthusiasm have brought worldwide recognition not only to the Allentown Fair, but also to him as well. He has served as president of the Pennsylvania State Fairs Association for one 2-year term. He also served two terms as president of the International Association of Fairs and Expositions and has been named to that group's hall of fame.

I believe everyone who visits the Allentown Fair this year will have an invaluable opportunity to observe a large display of Americana.

RETIREMENT OF EARL MORGAN

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

Mr. PRICE of Illinois. Mr. Speaker, the House Armed Services Committee is losing one of its most valued professional staff members with the retirement of Earl Morgan, counsel to Subcommittee No. 1.

As chairman of the subcommittee, it has been my privilege to work closely with Earl Morgan on issues of vital importance to this Nation. Professional, competent, and knowledgeable have been Earl's trademarks. I know I speak for all members of the subcommittee in saying that Earl's counsel will be sorely missed.

Earl is a personal friend of mine. In fact, we grew up together on Capitol Hill. When I was secretary to former Congressman Ed Schaeffer of Illinois, Earl worked as a page and helped out in the office. I have valued my long association with Earl.

Few men possess Earl Morgan's first-hand knowledge of the legislative process. His departure is a loss to the committee and to me personally. I wish Earl and his family well in their future endeavors.

CONFERENCE REPORT ON H.R. 8152, LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Mr. RODINO. Mr. Speaker, I call up the conference report on the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For the conference report and statement, see proceedings of the House of July 26, 1973.)

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

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

There was no objection.

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

Mr. Speaker, on June 18, 1973, by a vote of 391 to 0, the House passed the bill, H.R. 8152, amending title I of the Omnibus Crime Control and Safe Streets Act of 1968. By that action, the House took an important, affirmative step to meet the continuing challenge of crime and to address the pressing needs of our criminal justice system.

As an important part of that legislation, the House bill authorized appropriations of $1 billion for each of the next 2 fiscal years for the Law Enforcement Assistance Administration.

Subsequently, on June 28, the Senate passed an amended version of H.R. 8152, requesting a conference, which was agreed to by the House on June 30. The conference committee met on July 11, 13, and 16, arriving at an agreement which I believe represents a balanced and constructive piece of legislation. That agreement incorporates nearly all the important provisions of the House bill, and adds new Senate language which both improves the bill and strengthens the program.

The major compromise is a 3-year authorization—$1 billion for fiscal year 1974 and 1975 and $1.25 billion for fiscal year 1976. The Senate bill had provided a 5-year authorization at funding levels up to $2 billion by 1978.

Frankly, the importance of the program and its past history over a 5-year period had convinced the House Committee on the Judiciary that continuing and vigilant congressional oversight was necessary to insure the program's accountability, and to allow for periodic reappraisals of our fight against crime. A 5-year authorization would not be consistent with that responsibility.

Thus, the conference report adopted a 3-year authorization, accommodating the need for genuine oversight with the need to allow for comprehensive planning. I believe both can be accomplished in the best interests of the program.

Briefly, on other important matters, the conference took the following action:

First. Agreed to the Senate amendment providing for one additional Deputy Administrator;

Second. Omitted the Senate provision authorizing the transfer of LEAA moneys to the American Revolution Bicentennial Commission for law enforcement purposes;

Third. Agreed to the Senate amendment authorizing the use of block grant and discretionary funds for planning grants to interstate metropolitan regional planning units;

Fourth. Combined the Senate and House training provision, by retaining the FBI training program for police, and providing that the National Institute assist State and local governments in developing and conducting regional and local training programs for all law enforcement and criminal justice personnel. The two agencies are to complement rather than duplicate each other's efforts;

Fifth. Agreed to the Senate amendments authorizing the National Institute to serve as an international as well as a national clearinghouse for the expansion of law enforcement and criminal justice information; and granting authority for international as well as national information dissemination and technical assistance by the Institute;

Sixth. Agreed to the Senate provision that upon receiving a complaint of discrimination in the administration of programs assisted under this Act, a State Governor has "a reasonable time" rather than the House passed "60 days" to respond. At the same time, the Conference adopted the House provision that upon the expiration of "a reasonable time," administrative proceedings would be initiated automatically;

Seventh. Omitted Senate amendments providing compensation for victims of crime and percentage allocations to address juvenile justice. The House in disagreeing with these amendments, and the conference committee in adopting important legislation on both these subjects is pending in both Houses. While both Houses feel that comprehensive legislation is needed, separate bills are the more responsible way to proceed on each of these matters.

Mr. Speaker, the foregoing items do not exhaust the list of actions taken by the conference committee, but they do reflect many of the more important amendments. Most importantly, the totality of the package is a strengthened bill which reflects the reasoned input of both Houses.

I am gratified that the important features of the House bill, which were the product of 4 months work by the Committee on the Judiciary, have been retained. Thus, the scope of LEAA's mandate is clarified to include the improvement of criminal justice, as well as the detection and apprehension of criminals. The exercise of Federal responsibility is emphasized by focusing on the approval of comprehensive State plans. Matching requirements are simplified; reduced and made a more realistic responsibility for States and localities. New provisions assure an accelerated flow of funds from Washington to the States in the first instance, and then from the States to the streets of our localities where they are most needed in the fight against crime.

Mr. Speaker, I wish to thank my colleagues who contributed so much to this conference report and legislation: Messrs. CONYERS, FLOWERS, SEIBERLING, Ms. JORDAN, Messrs. MEZVINSKY, HUTCHINSON, MCCLORY, SANDMAN, DENNIS, and FISH.

I yield to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. I thank the gentleman for yielding.

Mr. Speaker, I rise in favor of the conference report on H.R. 8152, the Crime Control Act of 1973. On June 18, 1973, the House bill was adopted by this body unanimously—391 to 0. Although the Senate thereafter added an amendment in the nature of a substitute, it substantially tracked the language of the House bill.

The most important difference was the length of the grant—making authorization of the Law Enforcement Assistance Administration. The House provided a 2-year authorization; the Senate provided a 5-year authorization. The conference report provides a 3-year authorization.

Additionally, the Senate amendment differed in three respects: victims of crime, juvenile justice, and local comprehensive planning. The Senate amendment provided that the States could use LEAA funds to establish programs to compensate victims of violent crime. Fortunately, this provision was deleted in conference. In my opinion, our limited Federal resources may be better spent on preventing and reducing crime than on compensating some victims of some crimes after such crimes have occurred.

With regard to juvenile justice, the Senate amendment would have required that each State spend 20 percent of its LEAA funds on juvenile justice programs in this year, and 30 percent thereafter, regardless of its particular needs in that area of competing needs in other areas of law enforcement and criminal justice. Moreover, each State would have been straitjacketed into adopting specified reforms in the area of juvenile justice which the House has not yet examined.

The conference report recognizes the problems of juvenile justice while preserving the flexibility of the block grant program. Each State must have a comprehensive juvenile justice program tailored to its own needs, not to the norm and not to the average. This will place a greater responsibility on LEAA, for it will have to determine the sufficiency of the effort in relation to the State's particular needs. But I think the advantages will be worth it.

With regard to comprehensive local planning, the Senate amendment provided that local governments or combinations thereof with a population of 100,000 might submit comprehensive plans—rather than applications—to the State for approval. The Senate amendment mandated that the State have a procedure to receive such plans, but no more. No local plan was guaranteed any funding or percentage of funds designated for local governments generally. The conference report incorporates this provision but limits the procedure to local governments or combinations with a population of 250,000 and makes clear that the State may either approve or disapprove a plan in whole or in part. The provision makes relatively no change in the law since the provision expressly indicates that the local plan must be consistent with the State plan. Thus the States' responsibility for planning comprehensively is assured and underscored.

Finally, I am constrained to comment on the summary of H.R. 8152 which was inserted in the CONGRESSIONAL RECORD on July 26, 1972, at S14745–S14746 by the distinguished Senator from Arkansas. In describing the matching requirements generally, the summary indicates that private nonprofit organizations may meet matching requirements with their own funds and thereby implies that private nonprofit organizations have a general authority to participate in the LEAA programs as grantees.

In conference the Senate conferees suggested that by administrative practice private nonprofit organizations were permitted to be grantees of both discretionary grants and block grants. We replied that if that was the practice, it was not authorized. The statute rather specifically denominates the eligible grantees. By amendment to present law, private nonprofit organizations are specifically made eligible to receive discretionary grants from LEAA. Why was that amendment necessary if those organizations have a general authority to participate as grantees? Moreover, in my opinion, it is unwise to foster the delegation of governmental duties to nongovernmental agencies and thereby diminish both political accountability and fiscal accountability.

The summary also suggests that the training authority now granted to the National Institute "is actually the former section 407 regional training authority." To the Members of this body who developed the Institute's new role, this assertion is surprising. I do not believe that this intention was ever expressed in the subcommittee where it is drafted, in committee where it was reported, or on the floor where it was adopted. It is true that LEAA was authorized to assist in conducting regional training programs. But it would be closer to the mark to note that former section 407 underscored the need for Institute training rather than established its parameters.

Finally, LEAA and the National Institute were given authority to receive and disseminate information internationally. The summary incorrectly indicates that this function should be limited to cases such as skyjacking, drug abuse, and international terrorism. Rather, the conferees intended this limitation to apply to the international technical assistance authority because it is operational. The joint explanatory statement of the committee of conference correctly expresses this legislative intention.

Mr. Speaker, I am proud to report to the House that all of the conferees appointed on the LEAA conference committee signed this report—all of the 11 conferees on the part of the House and all of those on the part of the Senate.

So, as the chairman of the Committee on the Judiciary has reported to you, this conference report represents the unanimous effort of the conferees.

I simply want to add this one further thought: In all of the real controversial matters involved in this bill, the Senate receded to the House. I think numerically the House receded to the Senate in more instances than the Senate receded to the House. But the point is that in the controversial matters we won.

I believe this bill is substantially the bill as it passed the House, and I have no reservations about asking the House to support this conference report.

Mr. RODINO. Mr. Speaker, I yield such time as he may use to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I am pleased to express my full support of the conference committee report.

Mr. Speaker, in the conference report the Congress recognizes for the first time the critical and vital role of the National Institute on Law Enforcement and Criminal Justice in the overall function of training of law enforcement and criminal justice personnel. This broad training authority is sufficiently comprehensive to cover every aspect of the fight against crime.

Mr. Speaker, in other words, the National Institute is now clothed with authority to assist in the development of training institutes at the regional and local levels in such functions as community relations, criminal rehabilitation, parole and probation, and all other law enforcement and criminal justice functions and activities. There is no intent to interfere in any way with the training functions of the FBI at Quantico, Va., or with the other limited FBI training services to State and municipal governments where the FBI has expertise. At the same time, there is authority in the National Institute to include in its training programs such traditional FBI functions as the investigation of crime and the apprehension of criminals without duplicating or supplanting any work which the FBI is performing.

Mr. Speaker, it is expected that when the National Institute organizes regional and local training programs, the FBI will be invited to assist in making available its experience and know-how in dealing with these particular aspects of crime. It is my view that the National Institute should support and assist in the organization of those larger training programs in contrast to the more limited types in which the FBI is traditionally involved. For that reason, it seems to me that there should be no need to supplant or duplicate the FBI and its relatively limited involvement in regional and local level training programs. Indeed, the National Institute should supplement and greatly augment the Federal role in giving support as well as guidance and direction toward the best possible training of personnel in every kind of activity designed to reduce crime in America.

It is generally recognized that a reduction in crime is not to be accomplished through a Federal police force, or any other anticrime program which is to be operated out of Washington. Local law enforcement officials, including county sheriffs and regional and State police activities, are the key to reducing crime. It is to support the training of personnel at these levels of government that the National Institute can perform a useful and constructive role.

It is my expectation that in the development of all such training programs the National Institute will call upon those skilled individuals from our municipal police departments, our State correctional institutions, our universities which have departments of police science and criminology, experts in handling race and ethnic relations—and every other discipline which affects the problem of crime in America.

Mr. Speaker, there is no intention to construct new buildings or to establish new institutions either here in Washington or elsewhere. Adequate physical facilities exist throughout the Nation and training programs can be carried out without any need for constructing a new building where any such training institute would need to be housed.

Indeed, it would seem to me that the benefits from the training programs might be lost if we were to rely upon an established and static faculty. It is my expectation that training programs would be modified from time to time to utilize to the greatest degree possible those recognized experts who are developed in the overall fight against crime.

Mr. Speaker, in short, the Congress through this new authority is responding to a need which has been expressed many times that research and training are the most significant areas in which the Federal Government can play the most significant role in support of local and State law enforcement and criminal justice functions. We are making a substantial start in this legislation and I fully expect that the benefits of these activities will be substantially realized within the next few years and become a permanent part of the overall anticrime program which this Congress can appropriately authorize and finance.

Mr. RODINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Speaker, I thank the gentleman for yielding.

I would like to add my complete support to this measure. It is in almost every detail, and certainly in every substantive detail, the bill which passed the House.

A word of commendation would be in order to our very distinguished chairman of the Committee on the Judiciary for the manner in which he conducted the conference as its chairman. This report is largely a product of his work.

It is a fine bill that I believe every Member of the House can support in every detail.

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

Mr. RODINO. I yield to the gentleman from Ohio, a member of the committee.

Mr. SEIBERLING. Mr. Speaker, I wish to commend the chairman of the Committee on the Judiciary, and the members of the conference committee for doing an outstanding job of reconciling the differences between the House and Senate versions of this very important legislation as well as for the tremendous work that the full committee and subcommittee put in to develop this legislation in its present form.

As the chairman knows, there were some proposals which I had advanced as vigorously as I could, but which were not adopted in toto. But I would like the record to show that one of the important provisions that has emerged in this bill is the provision that would allow units of local government aggregating more than 250,000 in population to get together and pool their energies and their resources, and to obtain grants from the State planning agencies of law enforcement assistance funds to the entire group as a unit.

This was one of the principal objectives that I was concerned about, and I feel that this bill has moved substantially toward meeting that in a way which nobody quite foresaw, but which actually I think is an important step forward.

I want to commend the committee for accepting this concept.

Mr. RODINO. Mr. Speaker, I want to especially commend the gentleman from Michigan, the ranking member on the Committee on the Judiciary, who gave yeoman service, Mr. HUTCHINSON. And of course, I again thank all of the members of the committee, Mr. CONYERS, Mr. FLOWERS, Mr. SEIBERLING, Miss JORDAN, Mr. MEZVINSKY, Mr. McCLORY, Mr. SANDMAN, Mr. DENNIS, and Mr. FISH, for the part they played in not only bringing about the adoption of this measure, but in actually upholding the position of the House in the conference. They did a great job, and I commend them.

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

Mr. RODINO. I am delighted to yield to the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Speaker, I thank the distinguished chairman of the committee, the gentleman from New Jersey (Mr. RODINO) for yielding to me.

I would like to ask this question: Is my understanding correct that section 506 (c) was amended in the conference report, and that that section provides for an increase of two supergrades from 20 to 22 for the agency?

Mr. RODINO. That is correct.

Mr. HENDERSON. Mr. Speaker, I would also ask concerning section 517, and under subsection (a) it authorizes employment of experts and consultants, and under subsection (b) it provides that these appointments may be made without the approval of the civil service laws and regulations?

Mr. RODINO. Yes. That is in the act now, and was in the bill that passed the House.

I might point out to the gentleman with regard to section 506 that the Senate had sought to even further increase the number of supergrades, and the House resisted.

The Senate had requested four, and we conceded only two.

Mr. HENDERSON. If the gentleman will yield for one more question, I would like to commend the gentleman and the conferees for the efforts they did make, but would point out that the gentleman from New York (Mr. DULSKI), chairman of the Committee on Post Office and Civil Service, has consistently in the last Congress and in other Congresses written to the chairmen of other committees with regard to the problem of basic authorization of supergrades requested by the agencies.

We also received requests to authorize 244 additional supergrades covering the requests of all the agencies, and that matter will receive our attention when we come back from the recess. But I think it is only fair to put on the record—and I do not do this for this conference report or for this committee, any more than I do for others—that the authority contained herein, if we find it not to be justified, we will specifically ask to repeal that authorization. And anyone who might seek or take an appointment under this kind of an authorization where it is not fully justified by the separate commissions and agencies on a personnel basis, might run some risk of losing their jobs.

Mr. RODINO. I would be happy to defer to the judgment of the gentleman from North Carolina, who serves on the committee that has primary jurisdiction in this area.

Mr. HENDERSON. I thank the gentleman for his cooperation.

Mr. RODINO. I yield 3 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the recent disclosure of secret taping in the White House has pointed out the need to secure the right of privacy for members of this free society. On Monday I introduced a bill that would plug a legal loophole—a loophole while unfortunately not even this conference report on the Crime Control Act succeeds in closing.

My bill, H.R. 9667, would require that all parties—I repeat: all parties—to a conversation, telephonic or live, be informed before it is recorded. My bill is designed to stop the recently revealed White House practice of taping the conversations of Government officials and foreign diplomats.

POINT OF ORDER

Mr. HUTCHINSON. Mr. Speaker, I make a point of order against the gentleman's speech.

The SPEAKER. Does the gentleman wish to be heard on his point of order?

Mr. HUTCHINSON. Yes.

The SPEAKER. The Chair will hear the gentleman.

Mr. HUTCHINSON. I submit, Mr. Speaker, it is not a matter of this conference report.

The SPEAKER. The gentleman can speak to any matter involved in the conference report and not to any extraneous matter.

Mr. LONG of Maryland. Mr. Speaker, the information I am dealing with has to do with this act, the amendments to the Crime Control Act, and I feel that the remarks are in order.

Mr. HUTCHINSON. Mr. Speaker, the gentleman is talking about a bill he introduced; he is not talking about this conference report at all.

The SPEAKER. The gentleman will confine his remarks to the conference report before the House.

Mr. RODINO. Mr. Speaker, I apologize to the House. I did advise the gentleman we were talking about title I of the Omnibus Crime Control and Safe Streets Act, and his remarks pertain to title III, but the chairman insisted on taking the time.

Mr. HARRINGTON. Mr. Speaker, the conference report on H.R. 8152 is a responsible bill, setting a definite course for Federal involvement in law enforcement and addressing many present shortcomings of the Law Enforcement Assistance Administration.

The need for a comprehensive approach to court and corrections systems as well as law enforcement within each State is the primary thrust of the bill. A great deal of money has been spent in the past on useless hardware, while innovative programs in areas such as prison reform have been largely overlooked. The added emphasis on criminal justice and the requirement that States obtain approval for balanced plans as a prerequisite to funding will strengthen the role of the Federal agency in overseeing and stimulating badly needed judicial and prison reform.

The administration's special revenue sharing proposal for law enforcement fails to recognize this need for reform. In abrogating all responsibility for criminal justice systems to the States, it would perpetuate the outdated approach to corrections which prevails across the country today. H.R. 8152 is a far more responsible bill, addressing the particular needs of the affected program rather than adhering rigidly to a single fiscal policy.

The final form of H.R. 8152 represents a reasonable compromise between the priorities of the original House and Senate bills. The need for direct grants for high crime urban areas, as expressed in the League of Cities report and the Senate proposal, have been reconciled with the need for comprehensive and innovative planning on the State level.

The flow of funds should be expedited by the modified block grant system, and the time limits on distribution, but these will not interfere with the attempt to increase the accountability of the LEAA. And the 3-year authorization period with a higher funding level for fiscal year 1976 also accommodates conflicting needs—that the LEAA program with strong Federal oversight be clearly endorsed while Congressional review of progress under the revised act is assured as well.

Under its original authorization, the LEAA program has been poorly administered and ineffectual, largely because Federal provisions for planning and distribution of funds by the States were weak. H.R. 8152, as opposed to the administration's revenue sharing bill, vests both the responsibility for proper administration and the authority to reject State procedures in the LEAA, thereby creating the necessary incentives for a workable program.

For these reasons, Mr. Speaker, I will vote in favor of H.R. 8152 and urge each of my colleagues to do the same.

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

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

TRANS-ALASKA PIPELINE AUTHORIZATION

Mr. McSPADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 515 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 515

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. 9130) to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and con-

trolled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9130, it shall be in order in the House to take from the Speaker's table the bill S. 1081 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9130 as passed by the House.

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

Mr. Speaker, House Resolution 515 provides for an open rule with 2 hours of general debate on H.R. 9130, a bill to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline.

House Resolution 515 provides that it shall be in order to consider the amendment recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule by titles instead of by sections.

House Resolution 515 also provides that after the passage of H.R. 9130, it shall be in order in the House to take from the Speaker's table the bill S. 1081 and to move to strike out all after the enacting clause of S. 1081, and insert in lieu thereof the provisions contained in H.R. 9130 as passed by the House.

H.R. 9130 grants rights-of-way and permits for an oil pipeline from the North Slope of Alaska to Valdez on the southern coast of Alaska. This is commonly known as the trans-Alaska pipeline. The bill makes a congressional policy decision that the trans-Alaska pipeline should be authorized, and makes this policy decision binding on both the executive and judicial branches of the Government.

There will be no new Federal Government expenditures as a result of the enactment of the bill.

Mr. Speaker, when trucks ground to a halt during the winter; when gasoline stations closed throughout the Nation; when farmers beseiged us of the farm regions for fuel to operate their planting or harvesting machines, then, and only then, did the American public, and perhaps, Members of Congress, realize that the United States faced an energy crisis.

This is not the time to fix blame, because the mantle of blame falls on many; this is a time to gird ourselves, in the traditional American way to combat a problem once recognized. The problem, the energy crisis, is not unlike a wart on your nose; it is not pleasant, but it is there.

The problem is complex and for complex problems there are no single, simple solutions. The energy experts, in whose ranks I certainly can claim no fame as being counted, say that shortages of fuels of all kinds will face us, in the short view, for the next 2 years. We must view the energy crisis through two sets of glasses, as it were: One pair of the short-range view; the other for the long-range view which will, hopefully, get us out of the energy crisis by the year 1985 when imports may reach $30 billion, a date chosen by those same energy experts as a consensus.

America is a nation which runs on fossil fuels, more specifically, petroleum products. Through misuse, overuse, bad planning, mismanagement, whatever you want to call it, America's petroleum products and ability to produce those products to the points of demand are overtaxed.

Since 1968, proven reserves of 10 billion barrels of oil have been discovered on the North Slope of Alaska. I have a complete chronological list here:

A. The continental United States is in need of that oil. Each day's delay in the Alaskan pipeline means $9 million in deficit balance of payments. I personally have no objection to the trans-Canada pipeline through the MacKenzie Valley. I personally am convinced that to reach the maximum solution to the energy crisis in the United States, both pipelines will be eventually needed for oil and gas delivery to refineries in the lower 48. The problem is this: we have delayed too long; our needs are to secure an adequate supply of alternative petroleum crude to offset Mideast imports which, at best, are subject to whims and caprices; and at the most difficult, could be withheld entirely. The administration has made positive moves toward maximizing petroleum products and supply, of which we know there is a finite end. When and where that finite end will come, we cannot know; we cannot predict. But the administration has moved—an Energy Board has been established under the able leadership of former Governor Love. His staff is comprised of some of the most knowledgeable experts in the nonnuclear field of energy. An almost crash program for resource and development of alternatives to fossil fuels is being seriously considered. For instance, the National Science Foundation has made a grant to Oklahoma State University to study means and methodology of developing a windmill and storage battery—they call it by some technical name, but that is what it is—on an experimental basis.

As a veteran of naval service, I feel I can use this statement: the United States has been using fuel like a drunken sailor on leave uses accumulated pay. The fiddler has played, now we must pay. The proposed alternative trans-Canada pipeline, as I said before, is needed; but it will place on our backs another 10-year delay; can we stand another 10 years at $9 million a day deficit in balance of payments?

In Alaska lies 800 miles of high specification, specially formulated one-half-inch thick pipe ready to bring petroleum crude, and eventually, natural gas to the United States. Years of study have gone into the ecological impact of the Alaskan pipeline on the environment. No other project in the history of man has been so thoroughly studied. I hold here in my hand a 9-page document listing just a part of the studies conducted concerning the ecology. Every conceivable impact of the Alaskan pipeline has been covered thoroughly by those concerned. There are opponents of the Alaskan pipeline who say the pipe, ready to be laid in and on the ground to bring petroleum to power America, is lying on the ground rusting. The pipe stored in three yards in Alaska was coated internally and externally in the second half of 1971. It has been sample tested for impact strength, adhesion, water resistance, flame resistance, fungus resistance, abrasion resistance, thermal shock and other tests using prescribed American Society for Testing Materials, military and Bureau of Standards test procedures. The pipe is ready to be put in the ground. The petroleum is ready to be delivered to the lower 48 which is ready for the petroleum. For further protection of the environment, stringent stipulations have been prepared by the Department of the Interior and the Federal Task Force on Alaskan Oil Development.

Mr. Speaker, perhaps I take too long; but I cannot overemphasize that we, as a nation, have already taken too long. A friend of mine, a fellow Oklahoman, a lifetime natural gas explorer, distributor, and wholesaler, says new discoveries are being made in western Oklahoma and the Panhandle. "Clem," he said, "all we need is time and a reasonable price for our product." Time is running short. Drilling has stopped on the North Slope of Alaska. There has been $40 million spent on dry holes and yet the Northern Slope is swimming in oil. Gentlemen, in the common sense of sweet reasonableness, let us proceed to bring that oil, that vitally needed oil, to market, by the most rapid means possible, the trans-Alaska pipeline.

Mr. Speaker, I urge adoption of House Resolution 515 in order that we may discuss and debate H.R. 9130.

Mr. QUILLEN. Mr. Speaker, House Resolution 515 is the rule which provides for the consideration of H.R. 9130, the trans-Alaskan pipeline authorization. It is an open rule with 2 hours of general debate. In addition, the rule makes the committee substitute in order as an original bill for the purpose of amendment, the bill is to be read by titles instead of by section, and after passage of H.R. 9130, it will be in order to insert the House-passed language in the Senate bill number, S. 1081.

If the Nation's fuel shortage is to be alleviated and growing energy requirements met, domestic sources of oil and gas must be developed and the delivery of such fuels facilitated.

The largest known oil reserve in North America was discovered in 1968 at Prudhoe Bay, Alaska. Although private industry stands ready to construct the trans-Alaska pipeline and develop this reserve, litigation concerning environmental matters and right-of-way limitations and debate over the means and route of delivery have prevented utilization of this tremendous national asset.

Title I of the bill establishes a comprehensive and modernized national procedure for granting of oil and gas pipeline rights-of-way across public lands. Existing statutory restrictions of area and usage are inadequate to permit the expeditious construction of the trans-Alaska and other oil and gas pipelines.

H.R. 9130 seeks to provide that economic and security benefits of the pipeline are not realized at the expense of environmental values. The bill also seeks to avoid further time-consuming and costly judicial review.

Section 201(d) of this bill provides:

> The actions of the Secretary of the Interior heretofore taken with respect to the proposed trans-Alaskan oil pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969.

A similar provision is already in the Senate bill. This provision will help to avoid further delaying litigation.

The probability of construction of a trans-Canada oil pipeline to supplement the trans-Alaska project is recognized, and this bill directs further investigation of the feasibility of the trans-Canada facility and authorizes future United States-Canada negotiations to enable such construction.

The trans-Alaska pipeline will make a significant contribution to our Nation's economic well-being and our security and I urge the adoption of this rule.

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

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

REPORT ON STATUS AND PROGRESS OF HIGHWAY BILL

Mr. WRIGHT. Mr. Speaker, I take this time because it is not only timely but also necessary to report to the House on the status and progress of the highway bill into which all of our Members have so diligently poured so many hours of labor.

After 2 years of long and deliberative consideration, this bill—counting the time spent by both Houses in lengthy hearings, mark-up sessions, floor debate and grueling conference committee meetings—has consumed a total of 3,460 legislative man-days of effort. Finally, last month, the bill emerged in the form of a conference committee report. That conference committee report was approved yesterday in the Senate by the overwhelming vote of 91 to 5. Now it would be timely for the House to consider that conference committee report. We have earnestly hoped, and every State highway department in the Nation has been hoping that we could secure final approval before the August recess.

Mr. Speaker, we have withheld bringing that conference committee report to the House while for the past week the House and Senate conferees, members of the House and Senate Public Works Committees responsible for the drafting of the legislation, and the leadership on both sides have vainly sought some minimal assurance from the White House that upon our passage of the conference committee report in the House it would not be subjected to the surreptitious practice of a pocket veto during the absence of Congress on its August recess. We have had no such assurance to date. And time is running out.

I am advised that on this morning at 9 o'clock a meeting was held in the White House to discuss this matter. According to my information, the Secretary of Transportation, Mr. Brinegar, and the President's principal domestic adviser and our former colleague, the Honorable Melvin Laird, strongly urged that the President give his assent and sign this bill once it was passed by the House; and at the very least that he give us the minimum assurance we seek; namely, that after all this labor the bill would not be subjected to a pocket veto during our absence, which, of course, would render the Congress bereft of its constitutional right to have an opportunity to override.

I am further advised that certain nameless people in the Office of Management and Budget pled to the contrary, saying that they desired to have more time to study the bill. I am told further that, assenting to their pleading, the President of the United States has declined to give to the Congress, at least as of this moment, that minimum assurance.

Quite obviously, my colleagues, neither the Members of the House nor the Members of the Senate, nor certainly those who have labored so diligently to produce a bill, and certainly not the States and cities which are running out of money and desperately need the funds in this bill for highways, for mass transportation, and for highway safety would want us to place ourselves at the total mercy of unnamed and unconfirmed advisers who might at their whim suggest to the President that he merely let it alone, neither sign nor veto it, and then leave us with no opportunity to override, and with no bill at all, right back where we started 2 years ago.

I, for one, am not willing to place this House or this Congress or this Nation in that vulnerable position. I cannot conceive of any reason why the President of the United States would want to veto this highway bill. Both in the House, in the Senate, and in the conference committee that ensued our Members bent over backward to accommodate the administration's wishes.

We went the second mile in deference to the President's insistence that there be no money in the bill for operating subsidies to mass transportation systems. The Senate reluctantly agreed to delete that provision from the Senate bill.

Because of White House concern over certain language which it felt might inadequately impinge upon executive prerogatives, the House and Senate conferees agreed to alter that language.

Because the White House representatives were very insistent in their concern over the total level of funding in the two bills, the conferees chiseled, whittled, carved, and cut away at each of the authorizations in the bill until we had reduced the first year of authorization from some $8 billion down to some $6.3 billion, a minimum amount in our opinion.

Having gone this second mile to accommodate the wishes of the White House, I cannot conceive of any logical rationale which would dictate a veto. We have not even asked for an assurance that the bill would be signed; merely for the assurance that if, for whatever reason, obscure though it be to us, the President might perchance decide to veto the bill, that he do it in a straightforward way, preserving to us our constitutional right to override. We have been unable to get even that minimum assurance.

Mr. Speaker and my colleagues, I for one am not willing to place this country, its highway construction program, its highway safety program, its mass transit program, and this Congress at the mercy of some kind of cat and mouse game. I am not willing for us to leave on our August recess with a damocletian sword hanging over the head of this legislation. I do not think the Members would want to do that, and unless we can get some assurance from the White House simply that it will not pocket veto our bill and leave for naught all our efforts and our hard-won product, we will be forced then to await September, upon our reconvening, to bring the conference report to the House and in this way, preserve to the Congress its constitutional right to try at least to override any such veto.

This could be grievously hurtful to many States and cities which are in urgent and immediate need of the ongoing authorizations provided in the bill. But it would be preferable to running a risk of losing the entire bill upon a whim or a technicality.

It seems we are asking very little of the President. We are not asking him to sign, though I believe he will and I believe he should. We are asking him merely to assure us he will not pocket veto the bill while we are temporarily out of session.

Mr. HARSHA. Mr. Speaker, will the gentleman yield

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

Mr. HARSHA. Mr. Speaker, I want to associate myself with the remarks of the gentleman. I believe it is utterly ridiculous that the Congress should have to await the will and the whim of some nameless people down in OMB as to whether or when we should consider this. OMB has been advised throughout the entire period of the conference, all of the time spent in that latest effort, as to the money in the bill and as to the probability of what will be the authorization and amounts to come out.

As the distinguished gentleman has said, the conference committee bent over

backward to accommodate the administration on almost every objectionable feature the administration wanted changed.

I assure the gentleman that should I lose my fight on the diversion issue when the conference report does come up and the Congress accepts that conference report, I at that time would then join him in trying to persuade the House to override any veto of this legislation.

Mr. WRIGHT. I thank the gentleman for his assurances. I believe this should be persuasive to the President as well as to the Congress.

I simply want to say that if no highway bill is enacted prior to our leaving on recess, it is not the fault of any dilatory position or delaying tactic on the part of the House. We stand ready to bring this bill to the House today or tomorrow, the moment we receive the assurance we seek. The fault and blame for any delay will lie, for all those States which are running out of funds, many of which have had to cancel contract lettings and bring their highway programs grinding to a halt, upon the administration and upon whoever those nameless people are in the OMB, over whom it seems to me the President himself should be willing to assert his own leadership and give us the assurance that we seek.

Some of the people in the OMB seem to know the price of everything but the value of nothing.

It strikes me that what we ask is in every sense reasonable. We await a simple assurance from the President. In the spirit of comity in a tripartite government, he at least should tell us he will not pocket veto our bill. If we can have this word today, we can have a bill tomorrow.

Mr. McSPADDEN. Mr. Speaker, as my distinguished colleague from Tennessee pointed out a few moments ago, there is emergency in the situation. I would remind the Members of the House that so long as we dilydally without constructing the Alaska pipeline it is costing us, the taxpayers of our country, $9 million a day in balance of payments.

I do not believe there has been a project in the history of our Government that has been studied any more thoroughly so far as environmental impact is concerned.

Mr. Speaker, we have no further requests for time.

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

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 401, nays 11, not voting 21, as follows:

[Roll No. 418]

YEAS—401

Abdnor	Dickinson	Latta
Adams	Donohue	Leggett
Addabbo	Downing	Lehman
Alexander	Drinan	Lent
Anderson, Calif.	Dulski	Litton
Anderson, Ill.	Duncan	Long, La.
Andrews, N.C.	du Pont	Long, Md.
Andrews, N. Dak.	Eckhardt	Lott
Annunzio	Edwards, Ala.	Lujan
Archer	Edwards, Calif.	McClory
Arends	Eilberg	McCloskey
Armstrong	Erlenborn	McCollister
Ashbrook	Esch	McCormack
Ashley	Eshleman	McDade
Aspin	Evans, Colo.	McEwen
Bafalis	Fascell	McFall
Baker	Findley	McKay
Barrett	Fish	McKinney
Beard	Flood	McSpadden
Bell	Flowers	Macdonald
Bennett	Flynt	Madden
Bergland	Foley	Madigan
Bevill	Ford, Gerald R.	Mahon
Biester	Ford, William D.	Mailliard
Bingham	Forsythe	Mallary
Blackburn	Fountain	Mann
Blatnik	Fraser	Maraziti
Boggs	Frelinghuysen	Martin, Nebr.
Boland	Frenzel	Martin, N.C.
Bolling	Frey	Mathias, Calif.
Bowen	Froehlich	Mathis, Ga.
Brademas	Fulton	Matsunaga
Brasco	Fuqua	Mayne
Bray	Gaydos	Mazzoli
Breaux	Gettys	Meeds
Breckinridge	Gibbons	Melcher
Brinkley	Gilman	Metcalfe
Brooks	Ginn	Mezvinsky
Broomfield	Goldwater	Michel
Brotzman	Gonzalez	Milford
Brown, Calif.	Grasso	Miller
Brown, Mich.	Green, Oreg.	Minish
Brown, Ohio	Green, Pa.	Mink
Broyhill, N.C.	Griffiths	Minshall, Ohio
Broyhill, Va.	Gross	Mitchell, Md.
Buchanan	Grover	Mitchell, N.Y.
Burgener	Gubser	Mizell
Burke, Calif.	Gude	Moakley
Burke, Fla.	Gunter	Mollohan
Burke, Mass.	Guyer	Montgomery
Burleson, Tex.	Haley	Moorhead, Calif.
Burlison, Mo.	Hamilton	Moorhead, Pa.
Butler	Hanley	Morgan
Byron	Hanrahan	Mosher
Camp	Hansen, Idaho	Moss
Carey, N.Y.	Hansen, Wash.	Murphy, Ill.
Carter	Harsha	Murphy, N.Y.
Casey, Tex.	Harvey	Myers
Cederberg	Hastings	Natcher
Chamberlain	Hawkins	Nedzi
Chappell	Hays	Nelsen
Chisholm	Hébert	Nichols
Clancy	Heckler, Mass.	Nix
Clark	Helstoski	Obey
Clausen, Don H.	Henderson	O'Hara
Clawson, Del	Hicks	O'Neill
Clay	Hillis	Owens
Cleveland	Hinshaw	Parris
Cochran	Hogan	Passman
Cohen	Holifield	Patman
Collier	Holt	Patten
Collins, Ill.	Holtzman	Pepper
Collins, Tex.	Horton	Perkins
Conable	Hosmer	Pettis
Conlan	Howard	Peyser
Conte	Huber	Pickle
Corman	Hudnut	Pike
Cotter	Hungate	Poage
Coughlin	Hunt	Podell
Crane	Hutchinson	Powell, Ohio
Cronin	Ichord	Preyer
Culver	Jarman	Price, Ill.
Daniel, Dan	Johnson, Calif.	Price, Tex.
Daniel, Robert W., Jr.	Johnson, Colo.	Pritchard
Daniels, Dominick V.	Johnson, Pa.	Quie
Danielson	Jones, Ala.	Quillen
Davis, Ga.	Jones, N.C.	Railsback
Davis, S.C.	Jones, Okla.	Randall
Davis, Wis.	Jones, Tenn.	Rangel
de la Garza	Jordan	Rarick
Delaney	Karth	Rees
Dellenback	Kazen	Regula
Denholm	Keating	Reid
Dennis	Kemp	Reuss
Dent	Ketchum	Rhodes
Derwinski	King	Rinaldo
Devine	Kluczynski	Roberts
	Koch	Robinson, Va.
	Kuykendall	Robison, N.Y.
	Kyros	Rodino
	Landrum	Roe
	Rogers	Stanton, James V.	Wampler
	Roncalio, Wyo.	Stark	Ware
	Roncallo, N.Y.	Steed	Whalen
	Rooney, Pa.	Steele	White
	Rose	Steelman	Whitehurst
	Rosenthal	Steiger, Ariz.	Whitten
	Rostenkowski	Steiger, Wis.	Widnall
	Roush	Stephens	Wiggins
	Rousselot	Stokes	Williams
	Roy	Stratton	Wilson, Bob
	Roybal	Stubblefield	Wilson, Charles H., Calif.
	Runnels	Stuckey	Wilson, Charles, Tex.
	Ruppe	Studds	Winn
	Ruth	Sullivan	Wolff
	Ryan	Symington	Wright
	St Germain	Symms	Wyatt
	Sandman	Talcott	Wydler
	Sarasin	Taylor, Mo.	Wylie
	Sarbanes	Taylor, N.C.	Wyman
	Scherle	Teague, Calif.	Yates
	Schroeder	Thompson, N.J.	Yatron
	Sebelius	Thomson, Wis.	Young, Alaska
	Seiberling	Thone	Young, Fla.
	Shipley	Thornton	Young, Ga.
	Shoup	Tiernan	Young, Ill.
	Shriver	Towell, Nev.	Young, S.C.
	Shuster	Treen	Young, Tex.
	Sikes	Udall	Zablocki
	Sisk	Ullman	Zion
	Skubitz	Van Deerlin	Zwach
	Slack	Vander Jagt	
	Smith, N.Y.	Vanik	
	Snyder	Veysey	
	Spence	Vigorito	
	Staggers	Waggonner	
	Stanton, J. William	Walsh	

NAYS—11

Abzug	Dellums	Kastenmeier
Badillo	Dingell	Riegle
Burton	Harrington	Waldie
Conyers	Hechler, W. Va.	

NOT VOTING—21

Biaggi	Gray	Rooney, N.Y.
Carney, Ohio	Hammer-schmidt	Satterfield
Diggs	Hanna	Saylor
Dorn	Heinz	Schneebeli
Evins, Tenn.	Landgrebe	Smith, Iowa
Fisher	Mills, Ark.	Teague, Tex.
Giaimo	O'Brien	
Goodling		

So the resolution was agreed to.

The Clerk announced the following pairs.

Mr. Rooney of New York with Mr. Carney of Ohio.

Mr. Gray with Mr. Schneebeli.

Mr. Hanna with Mr. Smith of Iowa.

Mr. Evins of Tennessee with Mr. O'Brien.

Mr. Fisher with Mr. Heinz.

Mr. Giaimo with Mr. Goodling.

Mr. Teague of Texas with Mr. Hammerschmidt.

Mr. Dorn with Mr. Landgrebe.

Mr. Biaggi with Mr. Diggs.

Mr. Satterfield with Mr. Saylor.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MELCHER. 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. 9130) to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes.

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

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. 9130, with Mr. NATCHER 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 Montana (Mr. MELCHER) will be recognized for 1 hour, and the gentleman from Arizona (Mr. STEIGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I yield myself such time as I might consume.

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

Mr. MELCHER. I yield to the distinguished gentleman from Florida (Mr. HALEY) the chairman of the Committee on Interior and Insular Affairs.

Mr. HALEY. Mr. Chairman, I want to make only a few brief comments on H.R. 9130 before the chairman of the Subcommittee on Public Lands, Mr. MELCHER, gives a more detailed explanation of the bill.

I might say here, Mr. Chairman, that the gentleman from Montana, I think, has done an excellent job. I think he has allowed everyone who wanted to be heard to be heard, and I think he brings to the floor here today an excellent bill.

It is important, in my judgment, to emphasize four main points, and to urge my colleagues not to get sidetracked on side issues.

The first point is that the need for both title I and title II of this bill is urgent. The worsening energy crisis, our economic well-being, and our national security all are involved.

Title I amends the general law that governs the grant of rights-of-way for oil and gas pipelines across all of the public lands. The present law is 53 years old, and contains few limitations other than the limitation that the width of the right-of-way may not exceed 25 feet on each side of the pipe. No provision is made for the use of additional areas that are essential for construction equipment, roads, and so forth. For 53 years the law has worked adequately because the Secretary of the Interior has supplemented the rights-of-way with special land-use permits to take care of these additional needs. The U.S. court of appeals has recently interpreted the law, however, to preclude this practice. The result is that no new large modern pipelines can be built until the law is changed.

Title I spells out in considerable detail the new terms under which rights-of-way can be granted in the light of modern-day needs. The congressional guidelines provided in title I are much tighter than the old law, especially in the area of protecting the environment.

The second point is that there is an urgent need for the prompt construction of a pipeline to bring oil from the North Slope of Alaska to the domestic markets.

The alternatives are, first, a pipeline through Alaska, with a connection by tanker to the west coast, or second, a pipeline through Canada with terminals in the Midwest.

The only application for a right-of-way now pending is for the route through Alaska. The pipeline will be built by private industry. The environmental impact statement has been completed and the Secretary is ready to issue the permit. There is no application for a pipeline through Canada.

The question is whether the application for a pipeline through Alaska should be approved without further delay. This is a question that Congress should decide. It is of national importance. It is ridiculous to contend, as some do, that this policy issue should be decided by the Secretary of the Interior and the courts because Congress is not competent to make a decision.

The third point is that the enactment of this bill will not in any way override the National Environmental Policy Act. That act requires that before any major decision is made the environmental effects of the decision, and possible alternatives, must be considered. That has been done. More time, effort, and money have gone into the preparation of an impact statement for this project than for any other project in history. The environmental impact statement was considered carefully by the Committee on Interior and Insular Affairs. Opposing contentions were heard and evaluated. The environmental effects and the possible alternative of a route through Canada were exhaustively considered. This part of NEPA has been fully complied with, and it is perfectly proper for Congress to say that it is satisfied before legislating further.

Another requirement of NEPA is that any affected citizen may ask the courts to determine whether a Federal administrator who is responsible for carrying out a statutory program has complied with the NEPA directive to consider environmental impacts before making an administrative decision. This provision of NEPA does not apply when Congress is making the decision. It would be absurd to say that the courts could invalidate a congressional decision on the ground that Congress did not consider environmental effects. NEPA contains no such provision, and the enactment of this bill by Congress will not be an override of NEPA.

The fourth point is that a denial of judicial review under NEPA after Congress has made a decision is a necessary corollary to the decision. When Congress grants, or orders the Secretary of the Interior to grant, a right-of-way, there is nothing for the court to review under NEPA. The courts do not have the power to determine whether Congress considered environmental impacts adequately, and this provision of the bill is merely a statement of the law that would apply in any event. The provision is necessary, however, in order to make clear that Congress has made a definitive determination.

Mr. Chairman, if I may at this point, I would like to call to the attention of members of the committee, who are well aware of the crisis this Nation faces, I think it is of vital importance that we have a pipeline to bring the known supply of oil from the North Slope of Alaska.

Mr. Chairman, I thank the gentleman from Montana for yielding.

Mr. MELCHER. Mr. Chairman, this is an important bill and it deserves careful consideration. It received that kind of consideration in the Subcommittee on Public Lands, where for 13 days hearings were held, and every witness that wanted to testify, that came before us and asked to testify, was permitted to do so. There was a full hearing of both proponents and opponents of the bill. On June 29, the bill we have before us was introduced by myself and 29 other members of the committee. When the bill was considered in markup in the subcommittee, we spent 2 long days with it. In full committee, 4 whole days were spent on a markup of the bill. I feel that more careful attention was given to the provisions of this bill than is given to most bills.

The bill is in two parts. Title I relates to the general law governing the grant of all rights-of-way across public lands for oil and gas pipelines. It is not limited to the proposed trans-Alaska pipeline. The enactment of title I is necessary because a recent decision of the U.S. court of appeals interpreted the present law in such a restrictive manner as to make construction of large pipelines virtually impossible. Title I, therefore, spells out in some detail the terms and conditions under which such pipeline rights-of-way can be granted, and makes the language meet modern-day needs. It gives the Secretary of the Interior statutory guidance, which has been absent from the law for the past 50 years. It is a more responsible exercise by Congress of its constitutional responsibility to regulate the use of the public lands. It has a section dealing with the environmental protection of such things as erosion, such things as revegetation. It provides a new direction with respect to the amount the Secretary charges for a permit or right-of-way across public lands. We are saying that it will be fair market rental value.

It clarifies the language on common carriers and more clearly states that all oil and gas pipelines on public lands must truly operate as common carriers so as to give the smaller producers as well as the large producers an adequate opportunity to transport oil or gas.

Also, title I contains a section dealing with review by Congress of all oil and gas pipeline permits that will be issued in the future which are 24 inches in diameter. In other words, it gives Congress the opportunity to know what is being proposed. The Secretary tells us what is being proposed, and we have 60 days to review pipeline permits for such large oil or gas pipelines. That is title I.

The second part of the bill, title II, relates to the construction of the proposed trans-Alaska oil pipeline. This is the part of the bill that has been the most controversial.

The status of that pipeline is as follows: The pipeline company applied to the Secretary of the Interior for a right-of-way. The Secretary prepared a comprehensive and detailed environmental impact statement at a cost in excess of $7,000,000. Some of the conservation organizations sought an injunction to restrain the Secretary from granting the right-of-way on the ground that the Secretary's environmental statement was inadequate. The trial court refused the

request for an injunction and held that the environmental statement was adequate. The court of appeals reversed on the technical ground that the width of the right-of-way exceeded the statutory limitation. The court of appeals refused to pass on the adequacy of the environmental statement and sent the case back to the trial court with instructions to grant the injunction on the technical ground until such time as Congress changed the law relating to the 50-feet-width limitation.

This litigation has already taken over 3 years. If Congress does not say whether it does or does not want the pipeline built it will take another 2 years for the courts to review the Secretary's environmental impact statement for the single purpose of determining whether the Secretary considered environmental impacts in the manner Congress prescribed.

The issue of whether the trans-Alaska pipeline should be built is a policy one—not a legal one. Congress is the proper body to determine that issue. It has the clear constitutional responsibility for regulating the use of the public lands. It is nonsense to say, as some do, that Congress is not competent to make this decision and should therefore delegate its responsibility to the executive and judicial branches. I reject that argument emphatically.

What title II does, therefore, is to say, after reviewing all of the environmental data that is available, and I emphasize that word "all", and after hearing all of the arguments, both for and against, that Congress is satisfied with the Secretary's environmental impact statement, and regards it as an adequate basis for further congressional legislation.

Members will note that under title II Congress is making a policy decision that the courts cannot make nor do they have authority to review. The right of a citizen to go to court under NEPA, to determine whether an administrator has complied with NEPA, is not involved because in this case it is Congress, and not the Secretary of the Interior, who is making the decision.

So, let me say as emphatically as I can, that title II is not an exception to NEPA, and that it does not override NEPA. That charge is a red herring. If Congress wishes to grant a right-of-way, nothing in NEPA says that the courts must have an opportunity to decide whether Congress adequately considered environmental impacts.

The question, therefore, is, Who decides whether a right-of-way for the trans-Alaska pipeline shall be granted—the Congress or the executive branch and the courts? In my opinion, there can be only one answer—Congress.

When Congress makes the decision, it should consider environmental effects, and it has done so. It should also consider other relevant factors, and it has done that, too. Title II refers to NEPA only for the purpose of making clear that the Secretary of the Interior will be performing a ministerial and nondiscretionary function pursuant to the congressional mandate, and NEPA does not give the courts authority to review the congressional mandate. This is not an exception to NEPA. It is merely a statement of the present law.

Another issue is whether Congress has enough environmental and other data to make a sound decision. One argument is that the Secretary's environmental statement is suspect because it is industry oriented, and that a new study of the existing data should be made by an impartial group. The committee considered that proposal seriously and concluded that all of the available data was before the committee, that the committee had reviewed carefully the arguments for and against the statement, and that the committee's review does not need to be supplemented by a further review by an outside group. All of the preliminary work has been done. The preliminary work for the trans-Canadian pipeline has not been done, and the best estimates are that the trans-Canadian line would take about 6 years longer to build than the trans-Alaskan line. In addition to the longer time, the trans-Canadian line raises a number of other problems. It seems most reasonable to provide for a further study of the trans-Canadian idea—it is not really a proposal because no one has yet proposed to build it—without holding up construction of the trans-Alaska pipeline, which is ready to start.

Before concluding, I want to comment briefly on one set of amendments that were offered in committee and that I expect to be offered again on the floor today. They would provide for continued litigation to review the adequacy of the Secretary's environmental impact statement, but with an admonition to the courts to expedite the review. My position is that we have no assurance that the courts will in fact expedite their review.

If they should expedite their review, as would be requested by the proposed amendment, it would still mean a total of 2 years for the complete set of cases to go from the district court through the court of appeals and finally to the Supreme Court.

But more important, what will happen if the courts declare the Secretary's statement to be inadequate? There would be more delay, blocking the start of construction. Moreover, the real question is whether the statement is adequate for the purposes of Congress, and we say it is.

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

Mr. MELCHER. I would be delighted to yield to the gentleman from Illinois at this point.

Mr. YATES. Mr. Chairman, may I ask the gentleman this question: Will any of this oil from the Alaska fields reach the Middle West or the East under this bill?

Mr. MELCHER. Yes; the oil that is brought down to the west coast by tanker after the construction of the pipeline is completed will be available for the west coast. Some of it, of course, will relieve other oil supplies that would be present on the west coast; it would free it for the Midwest and the East.

More important than that, this is still the free enterprise system with regard to the distribution of oil, and oil can flow by tanker or through other pipelines in the United States tc any point that demands it.

Mr. YATES. Mr. Chairman, is there any assurance that a certain amount, a minimum amount at least, will be made available for the Middle West and the East?

Mr. MELCHER. This legislation does not attempt to direct where the oil goes as long as it goes to the United States.

Mr. YATES. Is there any restriction in the bill against exportation of the oil to other countries?

Mr. MELCHER. Yes, there is a very definite restriction in the bill against exportation to any foreign country.

Mr. YATES. In other words, all of the oil coming out of Alaska will be for use within the United States?

Mr. MELCHER. Absolutely, unless the President makes a finding that it was in our best national interest to permit its exportation. After the President had made his finding and published the reasons for making the finding, then it gives 60 days to Congress to veto that action by concurrent resolution if Congress sees fit.

Mr. YATES. Mr. Chairman, I thank the gentleman.

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

Mr. MELCHER. I would be delighted to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I have been troubled a little bit about the question concerning whether a price differential would be created by an assured delivery of oil west of the Mississippi as against a good source of supply of oil east of the Mississippi. This kind of differential could adversely affect product cost structure, much in the same way that for many years and even today there exists discriminatory freight rates.

The gentleman has partially answered that question by saying oil will travel by whatever way it can travel, by tanker and pipeline, to wherever it is needed as it now does.

Mr. Chairman, did I understand the gentleman correctly?

Mr. MELCHER. The gentleman is correct.

Mr. FASCELL. Mr. Chairman, that raises a question I have had in my own mind about the trans-Canadian route. That calls for a thousand miles more pipeline than the proposed route, Is that not true?

Mr. MELCHER. Yes; it would be much more than a thousand miles. It would be about 1,700 miles.

Mr. FASCELL. The proposed route is 700 miles?

Mr. MELCHER. The proposed Alaska route is 787 miles.

Mr. FASCELL. So the differential is roughly 1,000 miles?

Mr. MELCHER. About 900 miles is correct.

Mr. FASCELL. Mr. Chairman, is there a cost estimate on the 1,000-mile differential?

Mr. MELCHER. No, we do not have a cost estimate on what it would cost to build a pipeline across Canada. We have an estimate of what it would cost to build the trans-Alaska pipeline, and that is $3½ billion.

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

Mr. MELCHER. I would be delighted to yield further.

Mr. FASCELL. Mr. Chairman, is there anything to prevent oil being shipped through the Seattle ports to the trans-Canadian pipeline now going to the Midwest? That is, any buying from the Alaska Transmission Co., delivered at Seattle, delivered to the trans-Canadian pipeline, and then delivered wherever they want it to be delivered?

Mr. MELCHER. Mr. Chairman, in answer to the gentleman's question, I am not going to cite specific pipelines, but I would say the oil could be purchased by anyone who wants to purchase it and he could transport it in any way he wants to, as long as it is in the United States.

Mr. FASCELL. Well, there is no prohibition, indirect or otherwise, against using the Canadian pipeline? That is the whole thing.

If it is a commercial pipeline now for transmission purposes, I want to be sure the gentleman is not telling me that it would be required in some way that this would have to be transported only in American pipelines.

Mr. MELCHER. The bill does require that the oil coming from the North Slope must go to the United States and to consumers in the United States. The only exception is if the President makes a finding.

So if the gentleman is asking me: Can the oil be——

Mr. FASCELL. Well, if I am going to ship it by pipeline to Seattle and Chicago over the trans-Canadian pipeline, I would not be prohibited from doing that, would I?

Mr. MELCHER. It would not be prohibited in any way.

The gentleman is correct, it would not be prohibited, because that is not the provision in the bill, because that would be designated for U.S. consumption. I might add that the bill does require the Secretary of the Interior to enter into a feasibility study and negotiations with the proper Canadian officials and requests the President to do likewise to see to the possibility of a trans-Canadian pipeline and that a second oil pipeline is constructed if needed.

Mr. ANDERSON of California. Will the gentleman yield?

Mr. MELCHER. I yield to the gentleman.

Mr. ANDERSON of California. This proposal bars the exportation of Alaskan oil unless approved by the Congress. Would the oil coming out of Alaska come under the regulation of the Jones Act and thus require the use of U.S. flagships?

Mr. MELCHER. Absolutely. It would apply as the Jones Act does cover this transportation from one U.S. port to another U.S. port.

Mr. ANDERSON of California. For exclusive transport?

Mr. MELCHER. That is correct.

Mr. VANIK. Will the gentleman yield?

Mr. MELCHER. I yield to the gentleman.

Mr. VANIK. As I understand it, the pipeline is owned exclusively by three companies.

Mr. MELCHER. Alyeska is the name of the consortium, and slightly over 80 percent is owned by three companies.

Mr. VANIK. Who is going to determine the rates relating to the use of the pipeline? For example, if there is an independent producer of oil in Alaska and he waits to get his oil on through the pipeline, is he absolutely at the mercy of this company, or will there be a regulatory rate to insure that he will have an opportunity to use it on a fair and equitable basis to get the oil to the port of transport?

Mr. MELCHER. The gentleman's question is a very pertinent one. I am happy to respond that any producer of oil, big or small, is assured the opportunity of access to the pipeline. The Interstate Commerce Commission will set the rates and enforce them. This bill will further clarify that any producer making application to move oil through the pipeline across public lands will be allowed to present his oil for transport there, and then it will be carried without discrimination.

Mr. VANIK. My question relates to the rates. This pipeline is entirely in the State of Alaska. How will the Federal Goverment or the rest of us in America have any way of having a part in the input to the rate structure and the use of it? A rate structure could be designed which would be discriminatory to those who are not participants in the ownership of the pipeline.

Mr. MELCHER. To answer the gentleman's question, the Interstate Commerce Commission does have jurisdiction because the oil is in interstate commerce. Even though the pipeline is entirely within the State of Alaska, the Commission does have jurisdiction and will set rates.

Mr. VANIK. As a common carrier?

Mr. MELCHER. Yes.

Mr. VANIK. Will the gentleman tell me further, is there any jurisdiction left to the Federal Power Commission under the concept of the legislation as we see it today?

Mr. MELCHER. Our bill does not carry with it any reference to the Federal Power Commission.

Mr. VANIK. So if present law covers it——

Mr. MELCHER. It does cover it.

Mr. VANIK. If it does not cover it, it will be without the jurisdiction of the Federal Power Commission?

Mr. MELCHER. The present law that does cover pipelines would be applicable.

Mr. VANIK. I thank the gentleman.

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

Mr. MELCHER. I yield to the gentleman.

Mr. BELL. Will the gentleman tell me whether or not there is an intention to build a gasline in addition; would the gentleman tell me whether or not there is a plan or program along with the oil pipeline to build a gasline along with that for dry gas? They can produce that and it is a great energy source, also, and would be almost as great as the oil, and they might find a lot of gasfields there, too.

Mr. MELCHER. There is no application pending either with the Secretary of the Interior of the United States or with the Government of Canada for a gas pipeline, but it is anticipated by Canadian officials an application will be made this fall for a gas pipeline across Canada. At that time, of course, the application would be made to the Secretary of the Interior for that portion of the line that would go from the North Slope oilfield to the Mackenzie Valley.

I must point out gas production will follow in 2 or 3 years after the oil production starts. I must further point out the reason an application for the gas pipeline to the Canadian route is preferred is because partly it is felt by the people who are interested in owning the gas and transporting it and distributing it in the United States that the best market for it will be in the Midwest.

Mr. BELL. That, of course, is all right immediately, but very shortly if they could build a capacity for liquefying the gas they could ship it by boat.

Mr. MELCHER. That is correct.

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

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

Mr. GUDE. Mr. Chairman, our Subcommittee on Conservation and Natural Resources held hearings in Washington State on the question of oil spills which have occurred in Puget Sound. Would this increase the amount of oil tankers present in that area and therefore the possibility of more oil spills?

Mr. MELCHER. It is estimated that after the pipeline is in full operation, it would provide a tanker load of oil every 5 days to the area of the Puget Sound from the pipeline terminal at Valdez.

Mr. GUDE. What size tanker would that be?

Mr. MELCHER. I cannot answer the question.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Chairman, if I recall from the testimony of the Under Secretary, Mr. Whitaker, he addressed himself to this very point. It is my understanding that the type of tanker to be used will be the newest in design and it will have a special type of holding tank so as to avoid any possibility of splitting or breakage. This will be, as I say, a new-type tanker. It will be large, but it is specifically designed to avoid any kind of breakage.

Mr. GUDE. If the gentleman will yield further, I only observe that the *Titanic* was supposed to be an unsinkable ship; we should be very skeptical of assertions of invulnerability to splitting or breakage of supertankers.

Mr. STEIGER of Arizona. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of H.R. 9130 and urge its passage as reported out of committee.

A decision on the trans-Alaska pipeline has been a long time in coming. As an Alaskan, I have lived with the promise of the proposed pipeline for 4 years. I

have seen the decision pass from the Executive, to the courts, to Congress—and just recently, from the Senate to the House. We may be the last branch of Government to face the decision, but we are now the only branch of Government that can make that decision once and for all.

Finally, we begin debate today on a trans-Alaska pipeline bill. The bill before us is a strong bill, and one which will have a profound effect on this Nation's energy supplies, and we are doing so at a time when matters pertaining to energy are high on our list of national priorities.

It is perhaps unfortunate but true that we have become accustomed to thinking of America as a land of unlimited potential, with an ever-growing standard of living. But America's prosperity has depended, to a great extent, upon its energy resources. We have always known—or at least been vaguely aware—that other countries had to ration electricity or were short of coal or other forms of energy. But that was not true here in America.

Now, however, it is true. We have come face to face with the realities of the energy situation. In the last 20 years, our consumption of energy has doubled, and it is expected to double again in the next 15 years Almost abruptly, in the past 2 or 3 years, we have come to the stark realization that the consumption of our fossil fuels is outpacing our ability to supply them from domestic sources.

There is no doubt that the situation is serious. There are shortages, shortages that have inconvenienced millions of Americans, and forced them to, in one way or another, alter certain aspects of their life styles. Certainly, the availability of energy, or the lack of it, affects the way we all live.

No one single approach will lead to the solution of our energy problems. We must move on several fronts at once. We must work steadily for the development of new energy sources, and we must do so with imagination and vision. There are many possibilities—nuclear power, geothermal energy, solar energy, just to name a few. In fact, the possibilities are boundless, and I have no doubt that human ingenuity will rise to the occasion. But what about now?

While keeping our optimistic visions of the future, we must not overlook the fact that there are positive actions that should be taken without delay.

Most of our energy today comes from oil, and right now one-fourth of this Nation's proven crude oil reserves are located on the North Slope of Alaska. The huge discovery was not made until 1968, but oil seeps on the northern shores of Alaska were reported as early as the middle of the last century. For about a hundred years that fact was not very important. America had oil, lots of it, it could produce more than it needed much closer to the market than Alaska.

But times change, and America no longer has lots of oil. Alaska's reserves are of crucial importance to this country. And they are available now, when we need them the most.

H.R. 9130 affords us the opportunity to take a positive, affirmative action which will enable crude oil from Alaska's North Slope to be delivered to markets in the lower 48 States by late 1977 or 1978. And a bountiful supply of natural gas from the same area can follow within 2 years to the Midwestern section of the United States.

It would be incorrect to say that the passage of this bill, and the subsequent construction of the long-delayed trans-Alaska pipeline, will solve all of America's energy problems. As I have pointed out, however, we must move on several fronts at once. And this is something we can do now.

In addition to the much-needed energy this pipeline will provide, there will be other numerous positive benefits for the United States. With the oil-rich nations of the Middle East holding 60 percent of the world's oil reserves, and with virtually all of the highly developed nations of the world needing oil, the political leverage held by the Mideast oil nations is already immense. As the United States also becomes increasingly dependent on them for oil, the potential for political crisis is alarming. Moreover our economic stability is at stake. It has been estimated that in the 1980–85 period our country's balance-of-payments deficit could reach $25 to $30 billion annually.

With the trans-Alaska pipeline in service at full capacity of 2 million barrels per day, U.S.-owned oil will displace foreign oil and curb our dollar outflow by $3.3 billion a year. That is about $9 million daily.

The pipeline project holds further promise of balance-of-payments benefits by the infusion of some $3.5 billion in construction outlays into the U.S. economy.

In Alaska there will be over 10,000 direct construction jobs during the 3-year construction period, and this will generate 26,000 supporting jobs. In the maritime industry, 35 tankers will be employed in the fleet required for transporting the oil to west coast ports. Twenty-seven of these ships remain to be consructed. It has been estimated by the Maritime Administration that the construction of these ships will create 73,500 man-years of labor in shipyards and supporting industries. Maintenance of the fleet will generate 770 permanent jobs in the Nation's shipyards and the operation of the ships will require a total of about 3,000 crew members.

The project will require the purchase of about $1.6 billion worth of construction materials, and this will be welcome indeed to this country's economy.

The economic benefits will not only be great to the United States as a whole, the economic benefits will be great to the State of Alaska and they will come none too soon. The State spends about $150 million more a year on roads, education, social services, health and justice than it raises by taxes. This has been eating into the $900 million the State acquired in the North Slope lease sale, leaving a little over $600 million, which also will be gone in 4 more years. Alaska needs the revenue it will get from production of its North Slope oil reserves in order to continue providing the services so vital to its people.

Many native Alaskan families have an annual cash income of less than $1,000, and North Slope oil is of vital importance to their futures. The Alaska Native Claims Settlement Act provided for 40 million acres of land and a cash settlement of $962.5 million. As you know, more than half of the cash settlement, $500 million, was to be paid from a 2-percent allocation of moneys received by the State of Alaska and the U.S. Government for mineral royalties, bonuses, and leases from Alaska lands.

At the present rate of payment, it would take the natives 100 years to get their money. With royalties from North Slope production, made possible by the trans-Alaska pipeline, the settlement awarded to the natives would be paid off in 20 years.

Although the pipeline is of vital economic importance to Alaska, Alaska's interest in the pipeline has not been solely an economic one.

Alaskans, more than any other people I know, are interested in the environment of the land they call their home. And, because of the high percentage of federally owned land in Alaska, we seek constantly to understand that Alaska will always captivate the attention and interest of Americans everywhere.

The environmental attention and concern that has been directed at the pipeline proposal since 1969 has been a positive influence on the oil industry's planning, and it has helped to guarantee that the trans-Alaska pipeline will be safely operated, and as compatible with the environment as possible.

As you are aware, title II of H.R. 9130 would declare that the Secretary of the Interior has fully complied with the National Environmental Policy Act with respect to the trans-Alaska pipeline and would direct him to issue the necessary permits without further judicial review on NEPA grounds.

With respect to this provision, I would like to make these comments. The Alaskan pipeline has undergone rigorous environmental studies. The Department of the Interior's impact statement on the pipeline is the most extensive statement ever filed under section 102 of NEPA. It took over 3 years to complete at a cost exceeding $9 million. The end result is a massive six volumes of work, including three volumes of economic and security analysis. Accordingly, the many environmental safeguards which have been incorporated into the design of the pipeline system are a result of NEPA.

Despite this unprecedented level of study and review, the Secretary of the Interior has been unable and the courts have demonstrated their unwillingness to take the action necessary to get on with the pipeline project. Only Congress can resolve the dilemma, and it is clear the American people are waiting for us to do so.

The time factors making it essential to act at the earliest possible time are persuasive, and the work already done on the pipeline is clearly sufficient to make a responsible decision possible.

Great congressional decisions affecting Alaska have been made many times before. Alaska's American history began

in the debate and controversy that swirled around Secretary of State Seward's decision to purchase the vast northern territory from Russia in 1867. Then, years later, there was statehood. And, later still, settlement of the Alaska native land claims.

Today we have the opportunity to make another great decision affecting Alaska, a decision that will have ramifications for the entire Nation, a decision that will effectively demonstrate Congress determination to bring about a solution to the energy problems with which we are now confronted.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I wish to commend the gentleman from Alaska for the wisdom of his remarks and would like to associate myself with his remarks.

Mr. Chairman, I would like to further say that this country is heading for a chronic economic bellyache if we do not return to commonsense on matters such as this pipeline. We need this pipeline and we need it now. I hope we will pass this act today and get on with the job of taking care of a portion of our energy needs.

The argument today should be based on commonsense—which must tell us to allow the private enterprisers to build a pipeline in Alaska, that is America, then encourage the Canadians to allow the building of a pipeline in Canada which would double the ability to deliver oil to the United States and would also allow the competition for the transport of this oil.

What could be better for us—our own line now, then a safety valve in Canada with the ability of double capacity plus competition.

Mr. Chairman, I would further like to commend the committee for this bill and Mr. YOUNG for the hard work he has been doing to achieve passage of this legislation on behalf of our country and his constituents.

I would also say, Mr. Chairman, that if Mr. YOUNG is representative of the caliber of people we have in Alaska, I say we are proud of both Mr. YOUNG and the people of Alaska and are glad you are part of the United States.

Mr. YOUNG of Alaska. I thank the gentleman.

Mr. MELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, at the outset it should be made clear that there is no substantial argument regarding title I of this bill. Because of a decision of the circuit court restricting certain rights-of-way to 25 feet from each side of a pipeline—not just the Alaska pipeline—but a number of others in this country are in jeopardy. Title I simply allows the Secretary to grant a larger rights-of-way so that modern machinery and techniques can be utilized in the building, operation, and maintenance of oil and gas pipelines. There is no question that such authority ought to be given and the committee has provided for that authority in title I.

Indeed we have provided that authority only after providing a number of requirements which do not present exist, requirements protecting the environment, insuring the safety of workers and informing the Congress and administration. And so there should be no great controversy over title I.

Title II is the portion which causes the conflict. Title II deals specifically with the Alaska pipeline. The purpose of title II is to make a congressional decision that the trans-Alaska pipeline should be authorized and to make that policy decision binding on both the executive and judicial branches, thereby removing the basis for any further litigation.

We are told by some that we cannot make that decision because to do so would be an abdication of the policy expressed in the National Environmental Policy Act. In case it is necessary let me remind my colleagues that the National Environmental Policy Act is a method prescribed by the Congress to allow the Executive to make certain decisions. If the Congress itself decides to make those decisions it may do so. In title II the Congress makes the decision that the action of the Secretary of Interior fulfills the requirements of the act. This is an exchange of Congress' right to make decisions with regard to the public lands of the United States.

But we are told that to do so is to establish a precedent. A precedent that will be urged and followed in the future with regard to the National Environmental Policy Act. I don't know that we are establishing a precedent, but if we are it should be clear what it is:

If, the longest, most comprehensive and most expensive environmental impact statment in history has been prepared by hundreds of experts: and

If public hearings have been held and thousands of pages of testimony presented at those hearings; and

If a district court has approved the decision of the Secretary based on those hearings and statement; and

If the circuit court remits the case to the district court after more than a year without deciding the question of whether or not that environmental impact statement is sufficient; and

If 25 percent of our national oil reserves are locked up in Alaska—enough to furnish 10 percent of our daily needs while we suffer shortages, and as we move toward 50-percent dependency on other nations for our supply; and

If it is costing us nearly $10 million per day in our balance of payments for each day we delay; then

Perhaps the Congress ought to set a precedent. The precedent that we can move expeditiously when the national interest is at stake and when the processes we have established have failed to respond with the alacrity necessary for the national good.

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

Mr. MEEDS. I will yield to the gentleman very briefly.

Mr. ECKHARDT. Mr. Chairman, the gentleman in talking to the gentleman from Texas is talking to a friend of the bill with respect to its main purpose, but I do have some questions I should like to ask the gentleman with respect to the NEPA statement.

I agree entirely with what he says, that by passing this act, Congress would say that the NEPA statement, whatever the courts may say, is adequate because we will have adopted it legislatively at that point.

Mr. MEEDS. That is correct.

Mr. ECKHARDT. I would like to vote for the bill, but I would not like to take that step. It seems to me that step is very much like the step that has been urged upon us by some of the gas companies in the El Paso Natural Gas Co. case. That is, to remove from the courts a determination of what Congress did in an earlier act.

Will the gentleman confirm the proposition that should we pass the bill as it is now written, we would say that notwithstanding the present provisions of the National Environmental Protection Act and notwithstanding the courts' interpretation of that act, we in this specific instance decide as a matter of present legislative policy that the NEPA statement is all right whether or not it meets the standards of the National Environmental Policy Act as construed by the courts?

Mr. MEEDS. When and if we pass this act as it stands; we accept the environmental impact statement which has presently been filed, which has had hearings, which has been approved by the district court, and which has been around for almost 2 years now; that we accept that as fulfilling the requirements of the National Environmental Policy Act, and that we are, on the basis of that, making the decision that we ought to go ahead with this Alaska pipeline.

I hope the Members will ask some of these questions of the other side as our time is severely limited.

Mr. STEIGER of Arizona. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I suspect that those of us who have remained for this debate are the wrong people in this body to be debating with or discussing with, because I suspect most of us here have a very thorough knowledge of this legislation. However, I think it might be useful in the RECORD to examine some things that have been said, or reaffirm them, and simply point out that the genuine point of controversy here that has been recited several times already is no longer whether we are going to build the Alaska pipeline, but when we are going to build it.

This bill, it is clear, has met with the overwhelming acceptance of the great majority of the Members of this body already in terms of acceptance with the single exception of whether or not that language in the bill which prohibits further litigation with regard to the National Environmental Protection Agency report is proper language.

For whatever it is worth, I would hope the Members will indulge me for just

this moment to tell them that this is one of those rather unfortunate situations, because we, as politicians, can honestly have the best of both worlds. We can support the bill, tell our friends at home how we voted to supplement the energy requirements of this country; we voted to sustain the flagging and failing economy of the State of Alaska; we voted to do that which was demanded by supporting the bill.

We can also vote for what I suspect will be known as the Dellenback amendment, which would permit further litigation with regard to the NEPA Act.

If we can do that and thus avoid the heat from the deep-breathers, we have indeed got the best of both worlds. We can tell everybody we supported supplementing the energy of this country. We can tell our deep-breather friends we are concerned about the environment. But I will tell my friends that this is simply a total cop-out, because if indeed we pass this legislation with the language that permits further litigation, we do so, at least those of us on the committee do, with the absolute knowledge that we are inviting more litigation.

I tell the Members this not in terms of any projection or conjecture. We heard witnesses from the environmental groups who testified they knew of their own certain knowledge that litigation would follow. We heard testimony from people very sincerely dedicated to delaying this project no matter what the device.

The concept that somehow the environment is going to be done harm absent further litigation is a concept which simply will not bear close examination. People who are concerned that without further litigation there will not be sufficient protective language of our environment in Alaska are people who are only assuming. But the one fact that is not assumable is that further delay will cost money, will delay the energy supplement we so desperately need in this country, and will be devastating to the economy of the State of Alaska.

We are being asked to say, if we will, that we accept the results of the 3-year, $7 million study, that we accept the word of the Secretary of the Interior that this is a sufficient report and, most of all, we accept our responsibility and we leave this language in the bill and we reject the pandering to those people who would delay through litigation.

I do not believe that is an unreasonable thing to do. I believe in the instance of some it is going to be a difficult thing to do.

I ask that the Members recognize that without this language the bill will be simply a political band-aid over a very serious sore, and this sore will remain festered.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding. I believe it appropriate at this time for me to read a portion of the committee report dealing with title II of the bill which discusses several of the arguments which are being raised here today.

TITLE II

Title II relates only to the grant of rights-of-way and permits for an oil pipeline from the North Slope of Alaska to Valdez on the southern coast of Alaska. This pipeline has been the subject of protracted controversy and litigation based on its anticipated environmental impacts. The controversy has stalled construction of the pipeline for more than 3 years. It was the litigation over this pipeline that caused the courts to interpret section 28 of the Mineral Leasing Act so narrowly that it had to be amended by Title I of this bill.

The amendment of the general law by Title I, however, does not resolve the problem faced by the proposed Trans-Alaskan pipeline.

Construction of the pipeline is stalled by the contention of several conservation organizations that the Secretary has not adequately considered environmental impacts and possible alternatives, as required by the National Environmental Policy Act. The issue was litigated and the United States District Court for the District of Columbia held that the Secretary had complied with NEPA. When the case was appealed to the Court of Appeals, the court refused to decide the issue and returned the case to the District Court to await an amendment of the general right-of-way law by Congress. That is where the case now stands.

If Congress does nothing more than amend the general right-of-way law, the environmenal issue will again be considered by the District Court, an appeal will again be taken to the Court of Appeals, and in all probability the Supreme Court will be asked to review the case by writ of certiorari. This process could take as much as two years, in spite of the fact that the issue has been in court for over three years.

A majority of the Committee on Interior and Insular Affairs feels that further litigation over the environmental issue, and the additional delay involved, is not justified.

The purpose of Title II, therefore, is to make a *Congressional policy decision* that the Trans-Alaskan pipeline should be authorized, and to make that *policy decision* binding on both the Executive and Judicial Branches of the Government, thereby removing the basis for any further litigation.

It is fitting and proper for Congress to make this decision. The issue is of national importance. The issue involves the use of the public lands, the control of which the Constitution expressly reserves to Congress. It is the responsibility of Congress to decide whether the pipeline should be authorized. It would be an abdication of congressional responsibility to say "let the Secretary of the Interior make this decision, and then let the courts decide whether the Secretary has done *what Congress wants him to do.*" Congress is able to say what it wants the Secretary to do, and it should issue the proper directive.

The environmental impact of the pipeline is only one of the factors that should be considered. It is an important factor. But there are others:

(1) One of the important factors to be considered is time. The only practical alternative to a Trans-Alaskan route is a Trans-Canadian route. No application to build a pipeline through Canada has been filed. There is no certainty that one will be filed. The engineering work needed to build such a line has not been done. The native land claims along the proposed route have not been settled. The time required to process an application through the Canadian governmental procedure, if an application is filed, and to do the engineering work, and to resolve the native land claims, cannot be known with certainty, but the testimony before the committee indicated that it would not be less than three years and would probably be much longer. This delay, coupled with the delay involved in further litigation, is too great in view of the present urgent need for additional domestic oil and gas.

The necessary business organization, financial arrangements, engineering design and logistical preparations for the Alyeska project have been completed, so that construction could begin as soon as a right-of-way is granted, while *none* of these necessary preparations has been accomplished for a Trans-Canada route. These tasks are expected to take about two years, quite apart from the legal, political and administrative hurdles that must be crossed before construction of a Canadian pipeline would be authorized. In addition to the delays that could be normally anticipated at each of these steps, a number of them suggest the possibility of indefinite delays or even the project's ultimate impossibility.

In the absence of a complex treaty enabling construction and operation of an international pipeline as a unitary enterprise, the interested private parties would have to organize a separate consortium or business organization on each side of the border for financing, building and operating the two segments of the pipeline, and resolve the complicated relationships between them.

Discussions would have to be conducted with, and applications submitted to, several Canadian agencies and the final plan would have to be submitted to the Federal Cabinet. Before approval could be granted numerous modifications and perhaps corporate reorganizations would be necessary. The project would run gauntlets of domestic Canadian opposition, and of attempts to influence the shape of the project by such interests as northern Indians and Eskimos, environmentalists, Canadian economic nationalists, and provincial interests. The prospects of ultimate approval by the Cabinet might well be jeopardized by the minority status in Parliament of the Government's party.

A new pipeline route through Canada would, of course, require a new environmental impact statement and public hearings, and involves the possibility of a new round of litigation within the United States.

Any assesment today of the time required for approval of a Trans-Canadian pipeline project or of the probability of its ultimate approval in any form is purely speculative. *It is, moreover, doubtful whether further study could contribute to the accuracy of such speculations.* The seriousness of the obstacles at each organizational, financial and political step are testable only by an actual attempt to get approval from a specific proposal, and no such proposal exists today.

(2) Another important factor is national security. A Trans-Alaskan pipeline would be under exclusive United States control. The Canadian portion of a Trans-Canadian pipeline would be under Canadian control. United States security interests would obviously be better protected by sole control than by a shared control.

(3) With respect to environmental impacts, the technical evidence available indicates that with either route environmental impacts exist and they must be protected by more safeguards than ever have been required for pipelines.

NATIONAL ENVIRONMENTAL POLICY ACT AND JUDICIAL REVIEW

It was argued at some length before the Committee that a directive by Congress to authorize a Trans-Alaskan pipeline, without further litigation under the National Environmental Policy Act, would be an abdication of the policy expressed by that Act. The Committee on Interior and Insular Affairs emphatically rejects that argument.

NEPA directs the Executive Branch to consider and evaluate environmental impacts and consider alternatives before exercising a discretionary authority delegated to it by Congress. The function of the courts is mere-

ly to see that the Executive Branch complies with this directive. If the Executive Branch fairly considers and evaluates environmental impacts and alternatives in a particular case, and then authorizes a particular action pursuant to the congressionally delegated authority, the courts cannot substitute their judgment for the judgment of the administrator. Only Congress can do that.

Furthermore, NEPA in no way attempts to limit the power of Congress to make a decision with respect to the use of the public lands. It could not, of course, do so. If the case is of sufficient importance, and if Congress chooses to make the decision rather than let the Secretary make it, NEPA is not impaired. It is not even applicable.

In other words, the bill *directs* the Secretary to grant the necessary rights-of-way and permits. Congress has made the decision, and no purpose would be served by further action under NEPA. Neither the Secretary nor the courts could ignore the congressional directive. The Secretary has no discretion to refuse a right-of-way, and the courts certainly could not say that the bill is invalid because Congress did not consider adequately the environmental issue. The direction to the Secretary to proceed without further action under NEPA is not a repudiation of NEPA. It is an exercise of Congress' right and responsibility to decide a public lands policy issue after considering all relevant facts.

Those who advance this argument are really contending that they do not trust Congress to make a sound environmental evaluation in a particular case. In the trans-Alaskan pipeline case they do not trust the Secretary either, and they hope that the courts will force the Secretary to change his decision. The courts do not have that authority. The real thrust of the litigation is therefore delay.

It is the opinion of a majortiy of the Committee on Interior and Insular Affairs that the environmental impacts of the Trans-Alaskan pipeline and the possible Trans-Canadian alternative, have been fully and fairly evaluated by the Secretary of the Interior. His environmental impact statement is voluminous and detailed. It was prepared at an estimated cost in excess of $7,000,000. It was the subject of extensive public hearings. The statement was before the Committee, and the Secretary explained it in detail.

The Committee not only considered the Secretary's environmental statement; it also heard in detail the conservation organizations who contend that the statement is inadequate. The testimony before the Committee indicated that the adequacy of the environmental statement was not questioned as much as the soundness of the Secretary's judgment. That is of course, not a NEPA issue. The Committee feels that all of the available environmental data was before it, and that the only thing lacking is a decision. The decision needed is whether, in the light of the environmental data and other relevant factors, the pipeline should be authorized. This is a policy issue, and a decision by Congress is not in derogation of the policy expressed in NEPA.

Based on this background, the bill does the following things with respect to NEPA:

(1) It provides that the actions of the Secretary heretofore taken in preparing the Environmental Impact Statement shall be regarded, as a matter of new statutory law, as satisfactory compliance with the provisions of NEPA but only in the case of the Trans-Alaskan pipeline. This is not an interpretation of NEPA, which is a judicial rather than a legislative function. By virtue of this new legislation, Congress is ratifying the Secretary's actions, not interpreting them. This provision is not actually necessary, in view of the further provisions of the bill, but is included in order to close any possible loophole.

(2) The bill *directs* the Secretary of the Interior to grant the necessary rights-of-way and permits without further action under NEPA. As indicated above, this is not an exception to NEPA, but is an assumption by Congress of the Secretary's discretionary authority, and NEPA is not applicable.

(3) The bill provides that the administrative actions taken to carry out the congressional directive shall not be subject to judicial review under NEPA. This is a restatement of the rule of law that would apply in any event, but is included to make it clear that the environmental impact issue has been considered and decided by Congress.

SUMMARY OF TITLE II

Section 201 is a short name for the Title.

Section 202 makes findings and declarations regarding the imminent need for a Trans-Alaskan right-of-way, Congress' satisfaction with the evaluation of environmental impacts and alternatives, and the need for a study of a Trans-Canadian route as supplemental to, but not as a substitute for, the Trans-Alaskan route.

Section 203 directs the Secretary of the Interior to grant the necessary rights-of-way and permits for the Trans-Alaskan pipeline under the provisions of the revised section 28 of the Mineral Leasing Act, but without further action under NEPA.

The Secretary is directed to include in the rights-of-way and permits terms and conditions that will mitigate adverse environmental impacts. These environmental stipulations will be enforceable in court. The terms and conditions imposed under this subsection may relate not only to pipeline itself, but also to the prevention of dumping oil at sea by such methods as delayed loading penalties. He is also directed to include provisions that impose on the grantee liability, regardless of fault, for injuries to or damages sustained by Natives or Native organizations, regardless of ownership of the property involved.

Alaskan Natives, living in the area traversed by the Trans-Alaskan pipeline have a unique dependence on the game and fish of the area. Because they do not own much of the land, however, and have not reduced the game and fish to possession, they need special "no-fault" liability protection that is not provided by Section 207.

Moreover, since Native subsistance may be imperiled during construction of the pipeline, they may find themselves in need of emergency assistance—food, water, medical aid, etc. This need cannot be met by a right to sue for damages. The Secretary is therefore authorized to require the pipeline owner or operator to provide such emergency assistance.

This section also gives the Natives the option to sue in court or to have the issues of casual connection and damages determined by arbitration under Alaska's arbitration law, a much less expensive proceeding.

The number of Natives potentially affected is fairly small. The costs are small in comparison with the total cost of the pipeline, yet unless such costs are regarded as an element of the cost of delivery of oil to market they will fall unfairly upon the Natives.

This section removes from judicial review under NEPA, as discussed above, the grant of authorizations necessary for the construction of the pipeline.

This section also requires the Secretary to take affirmative action to make certain that no person will be prevented from receiving a permit or right-of-way or other authorization under title II, or from participating in any activity thereunder, because of race, creed, color, national origin, or sex.

This section also permits judicial proceedings involving any right-of-way, permit, or authorization granted with respect to the construction of the pipeline, if the United States is a party and if the proceedings are not barred by the NEPA limitation, to be brought only in a three-judge district court, and if commenced within 60 days following the grant of the authorization. Direct appeal to the Supreme Court is authorized.

Section 204 provides that a right-of-way or permit granted for a road or airport as a related facility of the trans-Alaskan pipeline may require that the road or airport be a public one. The committee intends that an airstrip or landing field will be regarded as a related facility of the pipeline only if it is needed primarily for that purpose. Rights-of-way for airports that are needed primarily to serve the general public will not be granted under section 28.

Section 205 provides that the grant of a right-of-way or permit shall grant no immunity from the operation of the Federal antitrust laws.

Section 206 is not limited to the trans-Alaskan pipeline; it applies to all pipelines on rights-of-way granted under section 28 of the Mineral Leasing Act of 1920, either before or after the amendment of that section by title II. It makes the crude oil transported through such pipelines subject to the Export Administration Act of 1969. In addition, before any such crude oil can be exported the President must find that the exportation would be in the national interest. The President must report his findings to Congress, and if Congress enacts a concurrent resolution within a prescribed time disagreeing with the President's findings further exports must cease.

Section 207 imposes strict liability, regardless of fault, on the holder of a trans-Alaskan right-of-way or permit for damages to the United States, the State of Alaska, or any other party caused by the holder's activities along the route of the pipeline. The only exceptions are damages caused by an act of war or by the negligence of the United States or any other government.

This section imposes similar no-fault liability for damages resulting from discharges of oil in violation of section 11 (b) (2) of the Federal Water Pollution Control Act, if the oil is discharged from a vessel owned, chartered, operated, or leased by the holder of a right-of-way or permit for the trans-Alaskan pipeline, or its affiliate, or if the cargo of the vessel is oil transported through the pipeline. The word "affiliate" is broadly defined to include, among others, parent and subsidiary companies, the purposes being to bring within the scope of the section the oil companies that own the oil being transported. The Secretary is directed to require that a bond covering such liability be maintained in force.

Section 208 requires the Secretary to report to the Congress at least semiannually on the progress of construction of the trans-Alaskan pipeline and the implementation of the environmental stipulations. The Secretary is required

to issue a cease-and-desist order to halt construction of the pipeline whenever he finds that the stipulations are not being implemented or that significant unexpected environmental damage is probable. The provisions of this subsection will not preclude a shut-down order under section 28(c) of the Mineral Leasing Act, when appropriate, for violation of terms and conditions relating to operation and maintenance after construction.

Section 209 requires the Secretary to investigate the feasibility of one or more trans-Canada oil or gas pipelines, and to submit to Congress periodic reports and a final report within 2 years.

This section also requests the President to negotiate with the Government of Canada to determine the terms and conditions under which a trans-Canadian pipeline could be built, and to determine the feasibility of obtaining additional oil export commitments from Canada that would make it unnecessary for tankers transporting Alaskan oil to go into the Puget Sound area. The President is required to submit to Congress a report on his negotiations.

The investigations and negotiations authorized by this section will not prevent the grant of a gas pipeline right-of-way or permit while the investigation and negotiations are in progress.

The provisions of this section are not intended to indicate any congressional policy for or against a trans-Alaskan gas pipeline.

Section 210 contains a definition of trans-Alaskan pipeline.

CONTENTIONS CONSIDERED AND REJECTED BY THE COMMITTEE

The Committee on Interior and Insular Affairs considered in detail several arguments advanced against various provisions of the bill, and concluded that the arguments were not convincing.

First. One argument was that the committee does not have sufficient information to make a judgment regarding environmental impacts and alternative routes.

The committee disagrees. The evironmental impact statement prepared by the Secretary of Interior is the most comprehensive and exhaustive analysis that has been prepared for any project. It was prepared not by the Department of the Interior alone, but by an interdepartmental team with a wide range of interdisciplinary skills. Its cost is estimated to be in excess of $7,000,000. It was the subject of extensive public hearings before the Secretary. Representatives of the major environmental organizations submitted detailed comments to the Secretary.

When the Committee on Interior and Insular Affairs held hearings on the pending legislation, the environmental statement was reviewed and explained in detail.

In addition, the committee heard testimony from a panel representing the major environmental organizations, and questioned them closely. On numerous occasions throughout the past 3 years the committee has been briefed by experts on the environmental problems involved. More environmental data has been before the committee on this bill than any other bill in its history.

Second. Another argument was that the committee members had not analyzed and studied this data. The data was available for study by each member.

Third. Another argument was that many people throughout the Nation believe, rightly or wrongly, that the Secretary's environmental statement is biased in favor of the trans-Alaskan route, and does not fairly consider the trans-Canadian route, because of pressure from the oil industry. Because of this belief, so the argument went, Congress should provide for another study by a different group of experts whose integrity would be beyond question.

The committee rejected this argument. It is unwilling to impugn the competence and integrity of the host of career Government specialists who participated in the preparation of the statement. Moreover, before authorizing a second study with additional delays that would be involved new relevant facts would have to be indicated. Proposals made to the committee for such a study do not disclose new factual information but only a reassessment of the available data already considered. The majority of the committee concluded that the facts had been properly assessed and that no further time delay was necessary.

Fourth. Another argument was that the validity of H.R. 9130 would be challenged in court, and that this challenge would result in greater delay than would occur if title II were not enacted.

The best legal opinion available to the committee is that it is most improbable that the validity of title II could be successfully challenged, and that the filing of a challenge would not result in an injunction pending the consideration of the challenge.

Fifth. Another argument was that the direction to the Secretary of Interior to grant the right-of-way without further action under the National Environmental Policy Act legislates an exception to NEPA and will serve as a dangerous precedent.

This argument is discussed in some detail earlier in this report. The provisions of the bill are not an exception to NEPA. NEPA does not, and was never intended to, preclude Congress from legislating on any subject. Nor does NEPA give any person the right to ask a court to review the action of Congress on the ground that Congress did not adequately consider environmental impacts.

The enactment of title II will require the dismissal of the pending litigation, but that is because Congress has made a decision, and not because Congress has permitted the Secretary to make a decision that is immune from judicial review under NEPA. Title II is not an exception to NEPA, does not subvert the policy expressed in NEPA, and will not be a precedent for any legislation seeking to dilute the provisions of NEPA.

The Under Secretary of the Interior, John C. Whitaker, in his testimony before the Subcommittee on April 30, 1973, opposed the inclusion of any provisions that would prevent the continuation of the pending legislation.

Later, Secretary Morton on June 15, 1973, modified the departmental position as follows:

First, let me say this, our position has not been one of opposition so much as it has been one of neutrality.

Everyone here, nearly everyone on this committee I am sure remembers very well the debate and history of the NEPA Act.

I think the NEPA Act passed the House of Representatives in the order of 350 to 13. It was a product of the Congress. It represented the beginning of a new epic in recognizing the environment in relationship with our works and projects.

It seemed to me that it would be a position of arrogance on my part to come hat in hand to the Congress and beg you to set aside the judicial review that is inherent in the NEPA Act. And, I certainly recognize the wisdom of this committee and its ability to deal with this problem. I would take the present position today, in order to clarify your situation, and try to answer the dilemma which you have articulated, that I still would prefer that this committee in its wisdom, come forward with the kind of legislation that it wants without undue influence from this Secretary or from the Executive.

But when you come forward with legislation, if it is reasonable in terms of its ability to do the job, we are going to support it full tilt. And if the legislation comes out of this committee with a section in it that sets aside the judicial review and which in effect orders us to go ahead and issue the necessary permits, we are going to support that on the floor as far as we can with the Members before they vote on the floor of the House.

I would like to stand on that position that this committee go ahead and work its will, mark up the kind of bill that it wants, and when the time comes for support and help, we will give it to you.

The position I take [is] that when and if this committee comes forward with a bill and if that bill includes the setting aside of judicial review because of the importance of this pipeline to the Nation, I will support that bill and the Administration will support that bill, in an effort to get it through the House.

Still later, when the substance of title II came before the Senate, a tie vote was broken by the Vice President, who voted in favor of the language.

Even more recently, Secretary Morton, in a statement at a press conference on July 27, said:

The current pipeline debate . . . is centered on determining whether we can meet the national interest by delaying construction of TAPS while the Canadian route is studied in further detail. The greatest concern, however, is whether the Department's Environmental Impact Statement satisfies NEPA and, whether the Congress should preclude further judicial review of the impact statement.

Frankly, I hope that the members of the House will enact the bill reported by the House Committee, which finds that our impact statement fully complies with NEPA, and precludes further judicial review of that issue. At the same time, however, I would like to review some of the facts for the record.

First. There is broad agreement in the Congress—with a few exceptions—that added delay in the construction of TAPS is not in the national interest.

Second. I think it would be a great error in judgment for anyone to interpret the bill being considered by the House as anti-environment or, for that matter, an attempt to weaken NEPA, I for one, supported NEPA when it was adopted in the House in 1969 and the Administration is unequivocally committed to ensuring that the spirit and letter of NEPA is carried out.

Third. The six volume Environmental Impact Statement required over two years, and literally thousands of man hours to prepare. It is the result of open public hearings, consultations with every imaginable sector of the scientific, environmental, and private community. In my view it is an unparalleled and truly innovative interdisciplinary approach to meet NEPA requirements.

I would like to add, incidentally, that of the judges—and there are four—who have voted on the adequacy of our impact statement, all of them have held that it complies with NEPA.

Fourth. I further believe that this bill should not be interpreted as a precedent for exemptions from judicial review under NEPA. It is rather, an exceptional and practical solution to meeting America's near term energy needs, providing the Congress and the Executive with a means of preventing needless and, from the standpoint of the national interest, unjustifiable legal maneuvering to delay the construction of the Alaskan pipeline.

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

Mr. STEIGER of Arizona. I am happy to yield to the distinguished gentleman from Ohio.

Mr. WYLIE. I should like to pursue a question along the line of that of the distinguished gentleman from Texas (Mr. ECKHARDT). This paragraph was published in the Washington Post a couple of days ago, and several of my constituents have written letters expressing similar thoughts to me:

The really big question—and probably the closest vote to be taken during the House debate on the Alaskan pipeline bill this week—is whether Congress should risk setting a precedent by putting the pipeline off-limits to the National Environmental Policy Act and the courts.

I should like to ask the gentleman to comment on that, because, as I understand from what the gentleman has just said, the committee bill has taken into account the policy statement of NEPA of this subject.

Mr. STEIGER of Arizona. The gentleman is correct. The question in the publication the gentleman reads from refers to the very action I was discussing, which is in the bill, that action which says as a result of Congress' acceptance of the National Environmental Protection, as a result of Congress' recognition of this further litigation with regard to the environmental reports as prepared under NEPA, those areas will not be subject to litigation.

I would tell my friend and those people concerned, as apparently the author of the article is concerned, that the bill not only does not preclude litigation in this whole matter but it recognizes the fact that undoubtedly there will be litigation, and provides a mechanism for accelerating that litigation.

The idea that some of us concerned about this matter would have no recourse in the courts is simply not valid, because the bill addresses that specifically. What the bill precludes is further litigation with respect to those environmental impact statements required under the NEPA decision.

We have had testimony at great length in the committee. I believe the chairman of the subcommittee referred to that. It was 13 days. It became very clear that a great deal of attention had been paid to it, and a great deal of money expended on it.

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

Mr. STEIGER of Arizona. Certainly.

Mr. WYLIE. Mr. Chairman, will the gentleman answer this question:

How can a Member of Congress justify voting for a National Environmental Protection Act on the one hand and then, on the other hand, passing a Trans-Alaska Pipeline Act, which seems to be in contravention of the National Environmental Protection Act?

Mr. STEIGER of Arizona. Mr. Chairman, I am glad the gentleman addressed that question, because I suspect it will be bandied about a good deal more this afternoon.

There is no inconsistency in this. Now, as a direct result of the NEPA Act, there have been requirements placed on this pipeline which are more stringent than any which have been placed on any other right-of-way granted in the history of this country. We have a mile-by-mile surveillance that is unheard of in any nation of the world. That is as a direct result of the NEPA Act, which this Congress passed overwhelmingly.

This bill is an affirmation of NEPA; it is not a rejection of NEPA. There is nothing inconsistent in it. What this bill, as now written, does is this: It says that we recognize the problem and we are not going to permit further delay in this one area.

Mr. WYLIE. Mr. Chairman, I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, in further amplification of the gentleman's response, I think it would be helpful if all the Members in the Committee of the Whole would read the committee report, the very excellent committee report, as it addresses itself to this under the title II explanation. I will just read a couple of sentences. It says as follows:

Furthermore, NEPA in no way attempts to limit the power of Congress to make a decision with respect to the use of the public lands. It could not, of course, do so. If the case is of sufficient importance, and if Congress chooses to make the decision rather than let the Secretary make it, NEPA is not impaired. It is not even applicable.

Then further, the report says this:

The direction to the Secretary to proceed without further action under NEPA is not a repudiation of NEPA. It is an exercise of Congress' right and responsibility to decide a public lands policy issue after considering all relevant facts.

Mr. WYLIE. Mr. Chairman, if the gentleman will yield just for a comment, I am very glad that the language from the report has been read into the RECORD. I had read that language but believe the record we are making here today will be more complete by including it in this debate.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Chairman, I thank the gentleman from Arizona for yielding, and commend him for his statement and his leadership.

Mr. Chairman, I am very interested in the comments concerning the environmental impact statement, and wish to further expand on this.

Mr. Chairman, I rise in support of the bill, H.R. 9130, a product of considerable and prolonged study by the House Committee on Interior and Insular Affairs. Your committee's bill authorizing the trans-Alaska oil pipeline may not be perfect and it may not satisfy each and every desire of every interest, but it is, like much of life today, a compromise between the demands of our Nation for its energy and the counterbalancing demands for ecological preservation.

There are several points to which I wish to address my remarks: environmental impact, judicial review, and energy requirements.

The committee's bill states the finding of the Congress that the congressional mandated environmental impact statement submitted by the Interior Department after 2 years' work at a cost of $9 million satisfies the requirements of the National Environmental Protection Act. The impact statement is the ultimate in its field. It satisfies some people completely, other partially, and some not at all. The degree of satisfaction will be reflected in today's vote. While the Congress may, by passing H.R. 9130, impose its judgment for that of others, it does so leaving the NEPA alive and intact. And, it does so without expressing a decision in opposition to the findings of any court, since the injunctions against the pipeline have been on technical grounds involving right-of-way width, not on the grounds of environmental impact. Suits are not barred on questions other than the statement.

The bill imposes severe requirements on the pipeline. The standards of construction are imposing ones. The obligations regarding operations and potential damages are severe, as they should be As much as is possible, I believe, has been incorporated into this legislation to minimize the hazards, real and imagined, involved.

The shipping of oil involves risks Everyone acknowledges that.

The energy needs of this country are such that a quantity of oil will be brought in by sea to the United States—to the "lower 48." The choice in this decade is between piped oil shipped by tanker from Alaska and oil shipped by tanker from the Persian Gulf. The difference is $6 billion per year in our balance-of-trade position.

Some may argue my point that the choice is between oil from Alaska and oil from the Persian Gulf. The argument would revolve around Alaskan oil piped across Canada. It would be argued that the Canadian Parliament has urged negotiations or discussions on the pipeline question. But, the Parliament has urged negotiations or discussions, not on a trans-Canada pipeline, but, rather, on the matter of Canadian objections to the trans-Alaska route. And, until such time as Canada can settle her outstanding Native claims questions in the Yukon and

Northwest Territories, they are not in a position to negotiate a pipeline route for Alaskan oil. The committee's rejection of the trans-Canada option was well-reasoned. Negotiations regarding it have not been held; the results of such negotiations could only be guessed at; the time frame within which we could realistically expect to get oil to the "lower 48" could only be extended. And there is no way of assuring that, if a Canadian decision were eventually favorable, some of those objecting to the trans-Alaska route would not interpose those same objections to the portion of a Canadian route lying within Alaska. To go via Canada would require the same change in the right-of-way matter as is required for the Valdez route. A new impact statement for the portion of the pipeline to the Canadian border would be needed. If a group sought so to do, it could impose further delays, even if a green light were to be given in Ottawa.

The need for bringing fuels into this country is conceded by all. Meeting projected demands will require both stern conservation measures and the maximization of resource acquisition. To abandon the North Slope oil, or to prolong indefinitely its delivery to market, would be foolhardy. I believe the current bill goes about as far as a bill can go in satisfying both demands—that for increased energy supply and that for minimum hazard to our environment.

Now, Mr. Chairman, let me turn to a historical summary of the rather extensive environmental impact statement prepared in connection with the trans-Alaska pipeline.

On December 16, 1969, the Committee on Interior and Insular Affairs of the House adopted a resolution, the purpose of which was to permit—

> The Department of the Interior to grant a right-of-way and appropriate permits and to authorize the sale of necessary materials . . . for an oil pipeline system, including, but not limited to, pumping plant sites, access facilities, terminal facilities, catch basins, and any other structures reasonably necessary or convenient for transportation of oil by pipeline from fields in Northern Alaska to a deep water port in the Gulf of Alaska. (Proposed Modification of Public Land Order No. 4582, paragraph 1).

The resolution also endorsed the approach embodied in the trans-Alaska pipeline environmental stipulations and commended the Secretary of the Interior on the caution with which he had approached this very complex problem and on his efforts to protect the broad public interest when striving to resolve the many interrelated technical, scientific and environmental issues. That was nearly 4 years ago.

What had transpired prior to December 16, 1969 when the House Committee on Interior and Insular Affairs adopted this resolution? In late 1968 and early 1969, a study had been conducted determining the feasibility of a trans-Alaska pipeline for the movement of oil from the North Slope of Alaska southward to a deep-water port. In May, 1969, the companies planning the pipeline met with the Department of the Interior's Task Force on Environmental Protection of Alaska. At that time plans for the pipeline, including the proposed route, were presented to the Department. At that time a detailed presentation of plans for the pipeline was also made to Senator JACKSON and other members of the Senate Interior and Insular Affairs Committee. Representatives of various government agencies, and the State of Alaska, as well as conservation groups were present. On May 9, 1969, President Nixon sent a memorandum to Secretary Hickel suggesting that the Task Force on Environmental Protection of Arctic Alaska be expanded to include representatives of all other interested Government agencies. The President appointed Under Secretary Russell Train as Chairman of this expanded Task Force.

In June of 1969, Under Secretary Train submitted to the trans-Alaska pipeline system, a detailed series of questions, which addressed ecological as well as technical matters. There were also specific questions relating to the proposed terminal site at Valdez. These questions were answered in detail and included a discussion of what other terminal sites were investigated and why Valdez was selected. Subsequently, on June 16, 1969 formal application for the pipeline right-of-way was filed with the Department of the Interior.

On August 29 and 30, the Department of the Interior held public hearings in Fairbanks to determine the adequacy of the proposed stipulations. Representatives from industry, conservation groups, and the citizenry of Alaska, as well as Alaska public officials, including the Governor, fully participated in these hearings. At the conclusion of the hearings Under Secretary Train announced the formation of a special group, including both industry and Interior personnel, to work on special permafrost problems involving the pipeline.

On September 9 and 11, at the request of the pipeline companies, the trans-Alaska pipeline presentations were made to the full Interior Committees of the Senate and the House, respectively.

Subsequently, the trans-Alaska pipeline system was informed of the revised stipulations and agreed to accept them as a basis for expediting issuance of the permit. On September 30, 1969, the Secretary notified the House and Senate Interior Commitees that he proposed to lift the land freeze for the pipeline right-of-way from Prudhoe Bay to Valdez and also notified these Committees of the revised stipulations. On October 16, the Senate Interior Committee held a public hearing on the Secretary's proposal to lift the land freeze and on the stipulations. Environmental groups, industry and Department of the Interior witnesses testified at these hearings, and at subsequent hearings held by the House Interior Committee on October 21, October 28, and November 11, 1969.

On October 23, the chairman of the Senate Interior Committee sent a series of questions to Secretary Hickel concerning the stipulations, and related matters, which the Secretary answered in detail and returned to the chairman on November 20. On December 11, the Senate Interior Committee approved the modification of the land freeze order to permit construction of the pipeline and notified Secretary Hickel of its action. Five days later, the House Interior Committee adopted the resolution I referred to earlier.

Subsequently, on January 1, 1970, the National Environmental Policy Act of 1969 became law. In March of 1970, environmental groups sought an injunction barring the Secretary from issuing the necessary rights-of-way for the trans-Alaska pipeline on grounds that the Secretary had not complied with the procedures set forth in this new law. The Secretary readily admitted that, although he had conducted exhaustive environmental studies, he had not, in fact, prepared a statement in accordance with NEPA. The Secretary then set out to comply with the spirit and the letter of NEPA. That, too was nearly 4 years ago.

He undertook to prepare a draft environmental impact statement which was finally completed 10 months later, in January 1971. He then called for and held 8 days of public hearings in Washington, D.C. and Anchorage during February of that year on that statement. Testimony was taken from 207 individuals. A transcript of these hearings consists of 10 volumes totaling 2,118 pages accompanied by 15 volumes of exhibits totaling 4,317 pages. The hearing record was held open for written comments until March 22, 1971. Supplemental testimony submitted comprises 12 volumes. This material, all 37 volumes of it, was released for public inspection during the fall and winter of 1971–72. To revise the draft statement and compile a detailed final environmental impact statement, the Department of the Interior established several task forces. Among these was Task Force C which studied possible alternative pipeline routes and was composed of representatives from the Geological Survey, the Bureau of Sport Fisheries and Wildlife, and the Bureau of Land Management. Further advice and guidance came from the State of Alaska and from the Interagency Federal Task Force on Alaskan Oil Development which included representation from the Departments of Defense, Transportation, Commerce, Health, Education and Welfare, and Housing and Urban Development, as well as from the Office of Science and Technology, the Office of Management and Budget, the Council on Environmental Quality, the Environmental Protection Agency and the National Science Foundation. This task force set up a Technical Advisory Board which provided scientific and engineering analysis essential for the preparation of a final environmental impact statement. The Board examined the project description, reviewed and evaluated original and supplemental material, and conducted independent studies.

The final environmental impact statement which was released in March 1972, required 175 man-years of study by the Department of the Interior and other agencies at a cost in excess of $9 million.

In May 1972, the Secretary issued his final decision which would have granted necessary permits and rights-of-way for the trans-Alaska pipeline. In August

1972, the district court for the District of Columbia lifted its injunction and ruled that the Secretary of the Interior had met all the requirements imposed by NEPA. The U.S. Court of Appeals, however, in a 4 to 3 holding reversed the district court and found that the width limitations contained in the Mineral Leasing Act of 1920 would be violated by the Secretary's action. Notwithstanding the strong dissent of three court of appeals judges, the court refused to pass on whether the Secretary had complied with NEPA, and thereby did not reverse the district court on this.

At this point, the Congress again took under advisement the trans-Alaska pipeline. Again, hearings were held. Again, representatives from industry, conservation and environmental groups, the State of Alaska, and the U.S. Government fully participated in these hearings. Again, the entire question of whether much needed North Slope reserves will be made available to the consumers of the United States is in the lap of Congress.

Congress has been kept fully apprised of the trans-Alaska pipeline system since its very conception. The Congress first considered this important project 4 years ago. It is evident that Congress must now resolve this problem in a manner acceptable to the American consumer, after having given considerable attention to all necessary measures to protect the environment.

Calls for further studies, further hearing and further litigation are simply calls for delay. We must act decisively and promptly to require the immediate construction of this important project.

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

Mr. STEIGER of Arizona. Mr. Chairman, I will advise my colleagues that I will yield to the distinguished minority leader after yielding to the gentleman from Utah (Mr. OWENS) for what I hope is a brief statement.

Mr. OWENS. Mr. Chairman, it is a question I wish to ask the gentleman.

Mr. Chairman, the gentleman has spoken concerning how he believes the so-called Dellenback amendment will provide for increased delay.

Does not the gentleman believe that the overriding of NEPA by this bill—I am using a term which the gentleman probably would not choose to use—the overriding of NEPA by this bill will in fact create new legislation based on constitutional questions which otherwise would not be available to those who would litigate it?

Mr. STEIGER of Arizona. Mr. Chairman, I will simply tell the gentleman that we discussed this matter in the committee, and the gentleman has been a proponent of that particular view.

I would disagree with the gentleman on his constitutional problem and, even if there is a problem, I would suggest that the bill does anticipate that point of the accelerated litigation process

So I believe the bill reflects the concern of the gentleman and the concern which would also consider the constitutional question.

of other members of the committee in that respect. It does not happen to be my concern.

Mr. OWENS. Mr. Chairman, the concern is shared by the Senator from Alaska (Mr. STEVENS), who in Senate debate admitted there are three new separate constitutional grounds, or there would be, for challenging the pipeline, if in fact we override NEPA.

I submit to the gentleman that the provisions for accelerated hearings if NEPA is bypassed would still not provide for as speedy action as would occur if Judge Hart, who heard this matter at the district court level and who retained jurisdiction there, or if the same Court of Appeals, which also retained jurisdiction, were to hear challenges to the bill. Four out of the eight judges who considered this matter have already said they consider the impact statement would be adequate. These are the same judges who would hear any challenges to the impact statement if Congress should knock from this bill the provision exempting NEPA. If we wish to avoid delay in speeding this oil to market, we should delete from the bill this odious exemption.

Mr. STEIGER of Arizona. Mr. Chairman, I am sure that the gentleman does not mean to impugn the judicial process. I recognize that, and I stipulate that. I simply say that the gentleman and I are in disagreement.

I believe the gentleman should also recognize that the opinion is valid that the one judicial route would be faster than the other. It is my sincere belief the route provided for in the bill is proper.

Mr. Chairman, I am going to have to decline to yield further, because the gentleman from Texas has been waiting very patiently.

Mr. OWENS. The only point I want to make is that these same judges who heard the challenges first, would hear them again if NEPA applies. If it does not apply—if our amendment fails—new judges will have to hear new complex constitutional issues and that will result in more delays—which the distinguished gentleman does not want.

Mr. STEIGER of Arizona. I recognize what the gentleman is saying, but I decline to yield further because the gentleman from Texas has been waiting to be recognized.

Mr. ECKHARDT. I thank the gentleman for yielding to me.

I do not wish to argue the merits but merely establish what the legal situation is. I think I am in agreement with the gentleman in the well and with my good friend, Mr. MEEDS, in his statement in reply to me a moment ago.

However, it does seem to me that what we are doing here is saying, regardless of what NEPA provides generally as it may ultimately be construed by the district court, the court of appeals, and the Supreme Court, nothing in NEPA will prevent the Secretary from going on with the directive of section 203, which says that the Secretary of the Interior is hereby directed to grant without further action under NEPA and notwithstanding the provisions of any law other than said section 28 and this title II, such rights-of-way and permits. And that is what this act does. Is that not correct?

Mr. STEIGER of Arizona. No, it does not. I will tell you what the act does. It says that the Secretary made a judgment that the environmental impact statement conformed to NEPA. In other words, you have paraphrased the language, and the language you are paraphrasing, which I think is in conflict with the facts, is the part which says, everything else aside, regardless of the quality of the environmental report, the Secretary shall issue the permits. The facts are it says the Secretary has recognized that the environmental impact statement complied with NEPA and that decision is hereby affirmed by the Congress, which is a very different thing.

Mr. ECKHARDT. If the gentleman will yield further, I do not say I disagree with him. I agree with him. The NEPA impact statement by the Secretary approved the building of the pipeline. The action of the trial court upheld the Secretary, but the decision of the court of appeals did not uphold the Secretary's environmental statement.

Mr. STEIGER of Arizona. Neither did it reject it.

I will have to decline to yield further and yield now to the distinguished minority leader such time as he may consume.

Mr. HARSHA. Mr. Chairman, I was greatly disturbed when I learned that the members of the House Interior Committee had decided to follow the Senate's lead and include provision in this legislation to bypass the requirements of the National Environmental Policy Act with respect to the construction of the Alaskan pipeline.

I am acutely aware of our urgent need for the rich oil resources in Alaska the pipeline will make available and share the views of a great many Members of Congress on the importance of the early construction of this pipeline. However, in our haste to make it possible to move this oil, we should not rush pell mell into the passage of unwise—and possibly even unconstitutional—legislation.

While my deepest concern rests with the fact that the exemption of the pipeline from NEPA requirements would set a dangerous precedent and thereby open the proverbial Pandora's box, I would also like to point out that this questionable procedure might actually delay the construction of the pipeline, rather than expedite it as its proponents argue, by adding new questions on which litigation might arise. During the debate on this point in the other body, the argument was advanced that the legal effect of this exemption would be to provide new grounds on which opponents of the pipeline could base additional litigation which might well take up to 2 years to resolve. Should this point be settled, opponents of the pipeline could then raise the question of the constitutionality of barring judicial review based upon NEPA, and this could even further delay pipeline construction.

I do not in any way wish to infer that the National Environmental Policy Act is imperfect. When this legislation was under consideration in the House in 1969, I forewarned my colleagues of the many problems that might result from the loosely worded language and the vague standards set forth in this legisla-

tion and pointed out that it could well lead to frivolous suits by irresponsible citizens. However, in the emotionally charged atmosphere that prevailed at that time, my misgivings were brushed aside, and the legislation was approved. Unfortunately, my prediction was correct, and the construction of many meritorious projects have been delayed by such suits.

While I feel that NEPA could—and probably should—be improved, this should not be accomplished by the passage of ancillary legislation. If changes are desirable in our environmental law, they should be made by amending the basic NEPA act after full and comprehensive study and debate by the Congress and not by the means of any ancillary measure.

I cannot express too strongly my concern over the proposed exemption of the pipeline from NEPA requirements. If this particular project is exempted from the requirements of environmental law, everyone who is interested in a particular project will want to obtain a similar waiver, and we will be inundated with requests for exemptions for every conceivable type of project. Once the precedent is set, the granting of waivers will become increasingly easy and the effectiveness of NEPA will be seriously—and perhaps fatally—eroded.

There is no perfect legislation, and if Congress feels that changes or improvements should be made in our environmental law, let us reexamine the legislation in an effort to eliminate its flaws and advance its essential objectives. But let us not resort to legislating exceptions to this law—no matter how commendable the specific project involved may be—as that will essentially negate its future effectiveness and seriously impair environmental safeguards in the future.

Mr. GERALD R. FORD. Mr. Chairman, this is a debate in which we can get to the nub of the matter in a hurry. There is no fuzziness here. The issues are clear. And the agreement among us is far more important than the matters in dispute.

I know of no Member of Congress who believes that the vast ocean of oil beneath the north slope of Alaska should stay in the ground. We are all agreed that we should pipe that oil to the lower 48 States—and most of us, I believe, think we should do that as quickly as possible.

The only questions at issue are whether the proposed trans-Alaskan pipeline system, called TAPS, should be delayed while a proposed Trans-Canada pipeline is explored, and whether the Interior Department has satisfied the requirements of the National Environmental Policy Act with regard to TAPS.

Let us examine the trans-Canada pipeline issue first. Is the proposed trans-Canada pipeline a viable alternative to TAPS?

Going the route of the proposed trans-Canada pipeline would pose a delay of perhaps 6 to 7 years in getting Alaska oil to the lower 48, assuming that all of the obstacles involved could be surmounted.

But before I even cite the various difficulties inherent in going the trans-Canada route, let me emphasize that the Canadians have not even shown any particular interest in the trans-Canada pipeline carrying oil from Alaska to the lower 48.

As Edward Cowan of the New York Times put it in an article last Sunday, July 29:

> Ottawa has not decided that it really wants an oil pipeline running up the Mackenzie River Valley. Such a venture would have an inflationary impact on Canada. There also would be environmental dangers.

Cowan continued:

> Ottawa has been playing a double game. It has taken pains to oppose the trans-Alaska route because of widespread fears in Canada that the tanker shuttle between Valdez, Alaska, and Puget Sound sooner or later will produce an accident that could pollute the waters and indented shores of British Columbia. But being against TAPS is one thing and being four-square in favor of a Mackenzie route is another. Ottawa has had many opportunities to let Congress and the American public know that it is keen for Mackenzie. It has not done so.

Cowan concludes:

> Perhaps Ottawa thinks it can stall the trans-Alaska pipeline just as it has stalled for three years or more on revising the auto-trade agreements with Washington.

To say that Canada is willing to receive an application for an oil pipeline from the companies that would build it is not the same thing as getting the Canadian Government to approve an agreement covering such points as access to the oil pipeline for Canadian oil, the extent of Canadian ownership of the pipeline, who would control it, and what the future export taxes would be.

In 1970, Washington proposed to Canada an agreement that would have covered a pipeline and would have increased the energy interchange between the United States and Canada. According to Julius Katz, the State Department's assistant secretary for International Resources and Food Policy, the Canadians were "unreceptive" and "at every point those efforts—on the part of the United States—were rebuffed."

The facts are that Ottawa is simply eager to halt a trans-Alaska pipeline. If we dumped the trans-Alaska pipeline in favor of a mythical trans-Canadian pipeline, I think we would be making a tragic mistake.

But let us assume for the sake of argument that it is possible to negotiate an agreement with Ottawa covering a trans-Canadian pipeline. A decision to abandon the trans-Alaska pipeline in favor of a trans-Canadian pipeline could delay the delivery of Alaskan oil to the Lower 48 by as much as 7 years beyond the 3 years it would take to build a trans-Alaska pipeline.

If construction began on a trans-Alaska pipeline in 1974, we would have Alaskan oil moving to market in the west coast region by 1977. An oil pipeline across Canada would not go into service before 1982 to 1984.

If the trans-Alaska oil pipeline is operational by 1977, a natural gas pipeline across Canada can be feeding clean fuel to Midwestern homes and factories by 1980. On the other hand, a trans-Canada oil pipeline would delay completion of the gas pipeline until 1985 to 1987.

Why would there be so great a delay if we sought to build an oil pipeline across Canada? There are many reasons.

We would have to negotiate an agreement with Canada regarding construction and operation of the oil pipeline.

An entity or entities would have to be formed to finance, design, build, and operate the oil line—and financing could well be difficult since a Canadian oil line would cost approximately $7 billion as compared with $3.6 billion for the Alaska oil line.

A detailed route study would have to be made. Technical design data would have to be compiled to provide the basis for U.S.-Canadian consultation concerning route selection and design.

A detailed project description of the oil line associated facilities would have to be prepared.

Applications would have to be made to the Department of the Interior for rights-of-way across the U.S. public lands involved in Alaska and in the Midwest where the pipeline would enter the U.S. from Canada.

The Department of Interior would have to prepare an environmental impact statement.

Canadian native land claims would have to be settled—and this is most important. This is a crucial issue that cannot be brushed aside by proponents of a trans-Canadian route. Last May, Canadian Indians won the first round in what will surely be a lengthy court battle with Canadian federal authorities for control of 400,000 square miles of land in the Mackenzie Valley. The court imposed a temporary land freeze on the 400,000 square miles. By contrast, similar claims in Alaska have already been settled by the Congress.

Application would have to be made to the Department of Indian Affairs and Northern Development in Canada, and public hearings would have to be held. This application would have to be accompanied by a detailed social and environmental impact statement.

If this environmental impact statement won approval, then application would have to be made to the National Energy Board of Canada and more public hearings held. The Canadian Cabinet would have to approve the action of the Energy Board in certificating the oil line.

Rights-of-way would have to be obtained to cross privately owned lands; equipment and materials would have to be lined up; detailed design of the pipeline would have to be carried out; and roads necessary for construction of the oil line would have to be built.

Last, but by no means least, any litigation with respect to the Canadian oil line would have to be resolved.

All of these are valid reasons to expect lengthy delays if Congress were to seek to build a Canadian oil line.

And there is one other factor that should be considered—a factor that is important to the Midwest. An oil line through Alaska and a gas line through Canada can be built simultaneously—

and would be built simultaneously. That kind of scheduling would not be possible if both the oil and gas line were to go through Canada.

For a midwesterner, the strongest argument in favor of an oil line from Alaska through Canada is that it would serve the Midwest.

In that connection, let's look at some supply and demand figures.

The Department of Interior estimates that by 1980 the demand for crude oil on the west coast will be 3.13 million barrels a day, and in the Midwest it will be 6.2 million barrels per day. By 1980 the deficit in the west coast region will be 2.065 million barrels a day and in the Midwest region it will be 4.884 million barrels.

The Midwest has traditionally been a crude oil deficit area, and this deficit has been met by imports of surplus production from the gulf coast region via existing transportation facilities. In 1970, for instance, the net flow of crude oil from the gulf coast region in the Midwest was 1.918 million barrels a day. By 1980, it is projected at 4.071 million barrels.

The west coast, which does not have interdistrict transportation facilities comparable with those entering the Midwest, will have to depend largely upon foreign sources to make up its deficit. Thus, by 1980, minus North Slope oil, the west coast region would be dependent upon Middle East sources for approximately 1.1 million barrels of crude oil per day—more than one-third the demand in that district. The Midwest, however, would be dependent upon foreign sources for only 20 percent of its demands—and, in the past, has obtained almost all of its foreign requirements from Canada.

We are all, of course, deeply concerned about the environmental aspects of the trans-Alaska pipeline. Is the trans-Canadian oil line environmentally superior? In my judgment, the two proposed oil lines are environmentally comparable.

While the TAPS line would be 789 miles long the trans-Canadian oil line would traverse some 3,200 miles. The entire length of the TAPS line involves northern wildlife habitat. However, the trans-Canadian line includes 1,700 miles of such country. The TAPS line would cross 525 miles of permafrost; the trans-Canadian line, 1,200. The TAPS line would involve one major river crossing—the Yukon; the trans-Canadian line, 12 major river crossings.

Environmentalists are understandably concerned about the TAPS line. But there is no question that every possible environmental safeguard would be taken. More than half of the line would be buried 7 to 10 feet underground. Where the line is scheduled to be above ground or elevated, ramps and underpasses would be built so animals such as the caribou could pass through. Where river crossings are involved, the line would be buried at least 5 feet below each stream bed and encased in several inches of concrete as insulation for the warm oil inside. Special fast-growing grass would be planted as cover for the pipeline route once the line was laid.

In addition, the TAPS line has been designed to be safe from the most severe earthquake ever recorded in Alaska; the line would be elevated over all unprotected permafrost; and the entire line would be monitored every minute of every day to detect any possible oil spillage. In the unlikely event of a break or rupture in the 48-inch line, the entire line could be shut down in less than 6 minutes.

Environmentalists are justifiably concerned about the possibility of oil spills as tankers transport trans-Alaska pipeline oil from the Alaskan port of Valdez to the west coast. However, the project emphasizes a new tanker program involving segregated ballast systems, sophisticated navigational equipment. U.S.-flag tankers, and strict controls. Stringent operational procedures to avoid collisions coupled with requirements for deballasting ships at Valdez and the use of new ships built with the latest structural designs will virtually eliminate any oil losses at sea.

Let me make one last point with regard to the national security aspects of the pipeline question. I am convinced the national security interests of the United States would be jeopardized if we go the trans-Canadian route instead of trans-Alaska. The President's Task Force on Oil Import Control has pointed out that dependence on the Middle East for more than 10 percent of our oil needs is dangerous. Oil dependence now exceeds this level and will increase until we get the Alaskan oil. It would take at least 6 years longer for a trans-Canadian oil line to be operational than it would for the TAPS line. This additional delay in getting North Slope oil to the lower 48 States would greatly imperil the national security of the United States.

I have no objection to a study focused on construction of a trans-Canadian oil pipeline. But it should not delay the TAPS project. In the final analysis, we need the TAPS line, a trans-Canada gas pipeline and an eventual trans-Canada oil pipeline from the Arctic once additional oil is found.

We can no longer permit sectional interests and the actions of special interest groups to delay the trans-Alaska pipeline. We should go ahead with it now. That is why I favor passage of H.R. 9130 without amendment. In my opinion, the Department of Interior has satisfied the requirements of the National Environmental Policy Act with regard to the TAPS project and Congress should preclude further judicial review of the impact statement filed by the Interior Department. The six-volume TAPS environmental impact statement required over 2 years and thousands of man-hours to prepare. It is nearly 3,000 pages long. All of the judges who voted on the adequacy of the impact statement held that it complies with NEPA. There is no question here of a precedent. The congressional declaration that the TAPS environmental impact statement satisfies the NEPA requirements should not be viewed as a precedent. It is simply a finding by Congress which meets a crisis situation.

I should also add at this point that all of the bills filed by the gentleman from Illinois (Mr. ANDERSON), a proponent of the trans-Canadian oil line, provide for a waiver of the NEPA requirement at the end of the proposed trans-Canadian study period. I would ask: If a waiver is in order then, why not now?

Let us then move ahead with the trans-Alaska pipeline. No longer should the will of the American people be frustrated. We need the Alaska pipeline, and we need it now.

Mr. Chairman, I will take 5 minutes or perhaps a bit more to talk about certain specifics that I think ought to be highlighted.

At the outset let me say I am for the committee bill; I am against the Dellenback amendment; I believe in the Alaskan pipeline; I want the Canadian gas line built as quickly as possible, and I want a trans-Canadian oil pipeline built as quickly as possible if there is a need for it and I believe there is.

Early this year some of the opponents of the Alaskan pipeline decided, apparenly, that a better alternative was the Canadian pipeline. That sounded superficially wise from a midwestern point of view. It had a lot of appeal because we from the Middle West would apparently get the gas and/or oil directly. But it seemed to be so simple an answer that I thought maybe we ought to look into it a little bit.

And so I did. No. 1, I think we have to concede that a Canadian pipeline is about 4000 miles in length, most of it would be in the hands or under the control of our friends from Canada, and would be a pipeline under the control of a foreign government.

I began to wonder how much authority, how much control, they would exercise over that pipeline, or what their legal authority might be. So I watched with considerable interest developments in the Canadian Parliament when the issue came up in that legislative body. Let me quote from the debate in the Canadian Parliament of May 22, 1973. As the Members I am sure know, they have a parliamentary form of government, not like our own, and their majority party has members of the House of Commons who actually serve as Ministers.

On May 22 in a question and answer period they had on the floor of the House of Commons, under the heading "Request That Government Establish Guidelines for Building Northern Pipelines," Mr. Macdonald, Minister of Energy, Mines, and Resources, said in answer to an interrogatory:

> I have indicated that the objective of the government would be to give the opportunity to Canadians to acquire 51 percent of ownership in any such pipeline, and the expectation that it would remain under Canadian control.

Is there any doubt that the Canadian Government will insist upon their demand, 51 percent of the control of the company that controls the pipeline? This is a statement made by a minister of the Government on the floor of the House of Commons of Canada on May 22, 1973.

If you have a pipepline controlled 51

percent by Canadian interests with most of the pipeline going through Canadian territory, obviously we cannot help but be at the mercy of another government. That government can turn it on or turn it off. Canada has been and is our friend but a radical government in Canada could in the future be unfriendly.

The question is then raised, would they ever turn off our Alaskan oil through a Canadian pipeline? Let me tell the Members something that was done just recently. I have in my hand here a statement of the Honorable Donald S. Macdonald, Minister of Energy, Mines, and Resources, issued in the House of Commons on June 14, 1973. "Re Imposition of export controls on motor gasline and home heating type of oils."

This is a government policy established by the head of energy, mines, and resources. The statement of policy goes on to say—

I wish to inform the House that effective midnight Friday, June 15, temporary controls will be imposed on the export of motor gasoline and home heating type of oils.

The policy statement states further:

The government on the advice of the National Energy Board has therefore decided to impose export controls for a temporary period.

Now, what does that mean? Since June 15 no Canadian crude oil has come into the State of Michigan, and it has not come into any other State in the United States from Canada. And we in Michigan have been dependent to a degree upon Canadian oil imports.

Let me tell the Members what happened in the State of New York, and if the gentleman from New York (Mr. McEWEN) were here he could be more specific. Mr. McEWEN, as the Members I am sure know, represents a northern New York constituency on the St. Lawrence River. It has been traditional that foreign oil or crude would come up the St. Lawrence, and it would be deposited in storage tanks on an island in the middle of the St. Lawrence River, and then transshipped to northern New York.

It is not Canadian oil; it is oil from some other country.

This order that I just read, issued by the Honorable Donald S. McDonald, has resulted in non-Canadian oil that was temporarily deposited on an island in the Saint Lawrence being prevented from going to the United States.

Is there any doubt in anybody's mind that we are putting ourselves at the mercy of a foreign government if we go the Canadian route? There is no question about it. It is not that Canadians are unfriendly, but they can take actions, like we would, that are more in keeping with their own interests than with ours. Even though it is our oil coming from Alaska to the Middle West, they would control the shipment through the control of 51 percent of their stock ownership and physical control over the route.

Anybody from the Middle West who thinks that a Canadian line is better than an Alaskan line has not taken the time to study the facts.

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

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

Mr. FRASER. The gentleman, I am sure, must be aware of the fact that the Canadian Government on July 6 advised the State Department that Canada in fact will not require 51 percent of Canadian ownership of the pipeline built to transport Alaskan oil, even though it would seek such ownership for a gas pipeline, which is what the original reference was to. The gentleman is aware of that, I am sure.

Mr. GERALD R. FORD. I am aware that they have now retreated after they saw that their position was possibly injurious to their point of view and possibly helpful to Alaskan pipeline action in the Congress. They have now retreated, but I read what Hon. Donald McDonald said precisely in his policy statement.

Mr. FRASER. I heard what the gentleman said, but I would think that the gentleman, unlike the State Department, would want the House to have all of the facts about the position of the Canadian Government.

Mr. GERALD R. FORD. Yes, maybe what the gentleman has indicated shows the potential whim and fancy of a foreign government. On May 22 they said one thing, and what was the date of their change of mind?

July 6 they changed their mind. That is about 6 weeks. I guess maybe they could change again in October. Maybe they could change it again at some later date. It clearly proves that we would be at the whim and fancy of the Canadian Government. I do not want Michigan or any other of the 48 States to be in that position.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. I think the gentleman has put his finger on a very key point. Is it not true that we have no guarantee of what this Congress or any future Congress can do, let alone what the Canadian Parliament or a future Parliament would do?

I commend the gentleman for making this point, because he has served as a member of the Committee on Armed Services of this House, where he dealt with the security questions. One of the great underlying problems in the Middle East, and the fact that it is today a great tinderbox, is centered around another government having control over the resources upon which we are dependent. Is this not a similar situation?

We should bring this Alaskan oil resource reserve into our total inventory. It will serve to enhance our security and our negotiating position with all oil producing countries.

Mr. GERALD R. FORD. I have one final comment, and then I will yield the floor. As I said earlier, I am unequivocally opposed to the Dellenback amendment. What amazes me is that some of the proponents of the Dellenbeck amendment in legislation which they introduced themselves provide in their bill for the same procedure, for the elimination of the requirement of a separate environmental impact statement. I do not understand their rationale. If the action of the committee is wrong in this regard, how do they justify their own legislation which provides for the same net result?

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

Mr. GERALD R. FORD. I will be delighted to yield if the gentleman can explain it.

Mr. UDALL. I think I can. I do not think I will use very much of the gentleman's time.

There are millions of Americans—and I am one of them—and there are 60 or 70 or 80 Members of this House I know of who honestly and sincerely believe that we never had a fair and objective look at the Canadian alternative.

We say we will give Members an Alaska pipeline, we are for having an Alaska pipeline maybe but we will not do that until and unless we have had a fair and objective look, and that can be conducted in one of two ways, either by letting NEPA run its course and have the court review, which we have not had, on the sufficiency of the impact statement, or if the Congress or General Accounting Office makes an independent objective study, it can be done in that way.

Mr. GERALD R. FORD. The gentleman is not really concerned about the establishment of a precedent concerning an environmental impact statement. That is not what he is worried about. He just wants another study.

Mr. UDALL. No. The precedent we will have of overriding NEPA can come after a sufficient congressional study, but only then.

Mr. GERALD R. FORD. In other words, the gentleman is willing to establish a precedent and override after two studies rather than one.

Mr. MELCHER. Mr. Chairman, I yield 4 minutes to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO of Wyoming. Mr. Chairman, if we can carry on the interesting debate between the gentleman from Arizona and the minority leader. There are those Members who have attempted for the past week—and I am one of them—to work out a compromise or to fashion an amendment which would prevent the possible use of judicial review to interminably delay construction of this pipeline. For those who wish that this could be done, we are seeking a compromise between the Owens-Dellenback-Dingell position and a clear circumvention of NEPA.

I believe the committee position is that we would want a right-of-way granted under circumstances which would allow NEPA full authority for any stage of construction, for operation, and for maintenance.

What we are trying to avoid is the continued litigation that puts off construction for possibly several more years. That is what the committee thinks we are accomplishing.

We also recognize there is a substantial faction of Members of the House who for their own excellent and good reasons continue to use the NEPA controversy as a vehicle for getting a line built down through Canada. That should be recog-

nized. There is not the great concern of NEPA being set aside for the moment, and the minority leader pointed that out. They do not want the Alaska pipeline, period, and while they continue that fight, that is what they are interested in.

Mr. Chairman, under consent I will obtain in the House, I insert at this point in the RECORD a clipping from the New York Times of July 29, 1973 entitled "Canada's Oil-Pipeline Hesitancy." Canada has been on both sides and has taken two positions, as will be seen from this article:

CANADA'S OIL-PIPELINE HESITANCY

(By Edward Cowan)

WASHINGTON.—In accusing the State Department of misrepresenting Ottawa's position on a Canadian oil pipeline, Senator Walter F. Mondale has obscured the real obstacles to rerouting the proposed trans-Alaska line.

Senator Mondale recently told the Senate that the State Department, in an effort to win Senate votes for the Alaska pipeline bill, had slanted and withheld information on Ottawa's viewpoint. Officials of the department denied the Minnesota Democrat's accusation.

Ottawa has not decided that it really wants an oil pipeline running up the Mackenzie River valley. Such a venture would have an inflationary impact on Canada. There also would be environmental dangers.

With only negligible oil discovered in the Mackenzie River delta, north of the Arctic Circle, Ottawa just is not persuaded that it is in Canada's interest to serve as a "land bridge" between the oil fields of Alaska's Prudhoe Bay and the contiguous 48 States.

Moreover, Washington and the American oil companies insist on a prior agreement between the Governments covering use of a Mackenzie line. They want long-term costs and conditions specified in advance in black and white. Ottawa replies that no such agreement is necessary.

Even before it lost its parliamentary majority last October, Canada's Liberal party Administration was steering wide of any energy negotiation with Washington. The prevailing view in Ottawa is that such an agreement or treaty can only subject the Government to criticism. Not a few Canadians believe that because of the disparity of economic muscle between the two countries, Canada gets taken at the bargaining table every time.

Canadian opinion has become increasingly nationalistic in the last few years. In this climate, Ottawa wants no part of any agreement that has even the appearance of linking the Canadian economy more closely to the American.

The State Department's appraisal of Canada's position may have been too negative.

More fundamentally, however, it was Ottawa's hesitancy about adding an oil pipeline to the Mackenzie natural gas line already contemplated, plus "energy crisis" psychology and big-oil lobbying, that doomed the attempt by Senators Mondale and Birch Bayh, Democrat, of Indiana, to delay the Alaska license pending negotiations with Ottawa. The amendment lost in the Senate, 61–29. The over-all bill swept easily to passage, 77–20, on July 17.

Ottawa has been playing a double game, it has taken pains to oppose the trans-Alaska route because of widespread fears in Canada that the tanker shuttle between Valdez, Alaska, and Puget Sound sooner or later will produce an accident that could pollute the waters and indented shores of British Columbia.

But being against TAPS (the Trans-Alaska Pipeline System) is one thing and being four-square in favor of a Mackenzie route is another. Ottawa has had many opportunities to let Congress and the American public know that it is keen for Mackenzie. It has not done so.

It expressed its position to Congress—basically, a noncommittal willingness to consider applications—by transmitting through diplomatic channels written answers to questions submitted by the State Department. Courtesy required that the questions be answered, but protocol did not require Ottawa otherwise to act as if it were unlettered in public-relations techniques.

A single speech by a Canadian minister or a few remarks by Prime Minister Pierre Elliott Trudeau, abetted by appropriate elbow nudges to American correspondents, would have brought Ottawa's thinking to the attention of a large United States audience.

But the Canadians stuck to formal diplomatic channels. And the questions and answers were better publicized in Canada than in this country. When Ottawa revised one answer to give it a more forthcoming ring, it sent the amendment by ordinary mail after letting several days slip by.

That the original text was defective in a key place is itself suggestive. Who knows what to make of the fact that Ottawa apparently discovered the defect only by accident, as a result of a conversation between a Canadian diplomat and a State Department man?

In all, Ottawa has written a record it could defend at home while doing as little as possible to irritate the Nixon Administration in a gambit unlikely to succeed. Perhaps Ottawa thinks it can stall the trans-Alaska pipeline just as it has stalled for three years or more on revising the auto-trade agreement with Washington.

As Representative Sidney R. Yates, Democrat from Chicago and one of the Midwesterners who want direct delivery of Alaska oil via a Canadian overland route, told visiting Canadian legislators on Tuesday, Ottawa will have to be much more positive—and fast—if the Canadian alternative is to have a fighting chance in the House.

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, today I am introducing an amendment to H.R. 9130 which would remedy an apparent oversight in the bill as reported by the Interior Committee last week. As reported, the bill provides for absolute liability on the part of the oil pipeline company for oil spills with the exceptions of environmental damage caused by acts of war or acts of Federal or local governments. In addition, the bill requires that the pipeline company put up a bond to insure repairs of any damage caused. Unfortunately, the bill leaves the amount of the bonding requirement to the Secretary of the Interior. I believe that there should be a minimum floor of $100 million on this bond.

Such a requirement would prevent the Secretary from setting a wholly inadequate bonding amount because of lobbying on the part of oil companies or because of the lack of any qualified bonding company who would be able to write such a large bond.

This second possibility—that which relates to the possibility that there may not be a bonding company with sufficient capital to write such a bond prompts me to join with 7 of my colleagues in introducing a substitute version of section 207.

This new section would require the pipeline operating company to contribute 3 cents per barrel of oil transported to an environmental trust fund to be held by the Secretary of the Treasury. When the fund reaches $100 million, no further contribution would be required. The moneys could be expended by the Secretary of the Interior if the operation of the pipeline—or the shipment of oil transported through the pipeline—would cause environmental damage which is not corrected by the pipeline company or the shipper of the oil. My provision has the effect of setting up a bond to be held by the U.S. Government and at the same time establishes the same liability provisions as did section 207 as reported.

I hope that the House of Representatives can see the wisdom of this new approach to the bonding and liability provisions of the pipeline bill and will join me in supporting the substitute section.

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from Pennsylvania.

Mr. VIGORITO. Mr. Chairman, one thing I think we have to take into consideration also is that if the environmentalists seek to succeed in killing the Alaska pipeline, they are just going through the motions they are in favor of the Canadian line, but as soon as they kill the Alaska pipeline they will be out against the Canadian line also, because the environmental problems there are three times as great as they are in the Alaska pipeline.

Mr. RONCALIO of Wyoming. I thank the gentleman for his contribution.

Mr. Chairman, the industry should not be given a free ticket to construct any pipeline without adequate safeguards. We feel the last 3 years have resulted in more than adequate safeguards being developed for this line and we have given weight to the public need of this Nation for the oil it requires and that could be developed if we grant this line. We will have an opportunity for many amendments to assure the free enterprise system is protected in the North Slope and to see that the minority and smaller companies can still operate without the unfair competition or antitrust abuse in violation of the antitrust laws that we have heard so much about over the years.

The bill probably covered that when we take into account the powers enumerated which direct the Secretary of the Interior in giving more protection for this line than any built in the history of America.

I think industry recognizes that it has its duties and will support them, that they cannot abuse the land to do so or to do whatever they want with a coal mine, a pipeline, an oil well. However, the country has spent 4 years now building up a new set of rules for the construction of this line.

Mr. STEIGER of Arizona. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, my colleagues, I think it is extremely important to get the oil from the North Slope of Alaska down to the 48 States which

lie below Canada. It is important that we do this swiftly, and it is important that we do it in the soundest possible way so far as the environment is concerned.

Let there be no misunderstanding as to what is involved in the debate today. The debate on the rule made very clear, I think, the overwhelming support in this House for a piece of legislation to move forward with the bringing of the North Slope oil to the lower 48 States. As has been pointed out by earlier speakers, the issue really is not on title I. The issue is on title II.

I remember that when the case that was brought on this matter before went through the trial court there were two issues. One was the issue of whether or not the Secretary of the Interior had authority to grant a pipeline of a certain width, or easement of a certain width. The second one had to do with the NEPA impact statement.

The trial court found for the Secretary of the Interior on both of these points. When it came to the circuit court of appeals, it was a clear finding that the Secretary had statutory authority. Title I rectifies that. Title I makes clear that the Secretary will have a statutory authority, not only in this case but in all of the other cases to which the act of 1920 applies.

Our question is, What should we do about NEPA and the environmental impact statement? Congress clearly has authority to authorize a trans-Alaska pipeline if we as a body decide that this is what our decision should be. But the question really revolves around how we should go about doing so. This is just the first, in my opinion, of a series of conflicts which are going to arise in the years while a number of us are still in the Congress that would bring into direct question the energy crisis in this country and the need to protect the environment of this country.

Whether or not the Members play semantic games, we are talking in terms of precedent or nonprecedent; how we handle this issue today is going to be a forerunner of how the Congress is going to deal with this kind of issue when it comes before us again; and it will come before us again.

Some years ago, a majority of the Congress then in existence, and a majority of those who are still in the Congress, voted for it, and the National Environmental Policy Act of 1969 was passed.

When we deal with the so-called Dellenback, Owens, Dingell, and many others amendments on the question of NEPA, our question is should we in this first conflict between the environmental issues and the energy requirements fold our tent so far as the environment is concerned, so far as NEPA is concerned, and decide the issue on an ad hoc basis? Or should we realize that when in 1969 NEPA was passed it was a good law, and it remains a good law today, and work out a resolution of this first conflict in a way that will blaze the path for how we work out resolutions of similar conflicts when they come in future years?

One way or another, that is what we are doing today. I believe we make a grievous mistake if the resolution we adopt is to take NEPA and brush it aside.

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

Mr. SAYLOR. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DELLENBACK. Mr. Chairman, under the 5-minute rule we will have an opportunity to discuss in detail the proposed amendments which I intend to offer and which will seek to eliminate from the bill the override of NEPA.

Let me quote in part from a recent editorial, not from an environmental publication but from Business Week:

> The energy-short U.S. badly needs crude oil from Alaska. But the Alaska pipeline bill passed by the Senate last week may delay, not hasten, the flow of oil from the Arctic. And the Senate has undermined the 1969 National Environmental Policy Act (NEPA).

The editorial closes in this way:

> The House should reject the attack on the NEPA and let the present court battle run its course. If the Interior Dept. has prepared a satisfactory statement on the pipeline's environmental impact, as it says it has done, the federal court will soon give the pipeline a green light anyway.

Mr. Chairman, and colleagues, I believe that H.R. 9130, the bill before us today to widen rights-of-way which can be authorized under the Mineral Leasing Law of 1920 and to authorize construction of the trans-Alaskan pipeline, is basically sound and badly needed legislation. My colleagues on the Interior Committee who have worked so diligently to put together this legislation deserve special commendation and thanks from the House, and I particularly would like to commend Mr. MELCHER, the chairman of the Public Lands Subcommittee and sponsor of the bill, and Mr. YOUNG, the Congressman from Alaska. Each has spent countless hours helping fashion this legislation and bring it before us today.

Along with Mr. OWENS and a number of other Members who have joined in our efforts, however, I plan to introduce amendments which I believe will correct a very serious flaw in the committee's bill. Specifically, we will seek to delete from the bill the provisions overriding the National Environmental Policy Act. If this deficiency can be remedied, I believe we will have a bill worthy of strong support in this body.

H.R. 9130 seeks to accomplish the highly desirable goal of transporting the oil resources of the North Slope to the lower 48 States. The need for this oil has now become so compelling that there is virtually no argument over whether it should be transported.

Instead, the argument has been over the question of how the oil should be transported. To answer that "how," a number of different factors have had to be taken into consideration. How can the oil be transported expeditiously? What is the best approach economically? And, of course, how can it be transported with adequate protection of the environment assured?

It is this last factor—how to assure environmental protection— that has been the primary reason the trans-Alaska pipeline question has not been resolved before this time. Even in the face of rapidly mounting national concern over the energy crisis, in which concern I join, there are still many, many people with understandable concerns about the pipeline's potential impact on the environment. And I also join in those concerns. I believe Congress has a responsibility to resolve both of those sets of concerns. How? By passing this bill before us today, and by making certain that the authorizing legislation contains those safeguards and checks necessary to assure that adequate attention is paid to environmental protection.

In order to strengthen H.R. 9130 in this regard, I offered two amendments—one in subcommittee and the other in full committee—which I was pleased to have accepted by the rest of the committee. These provisions, which are in the bill before us as section 207, are very tough liability clauses covering both the land and marine legs of the trans-Alaskan route. Their effect will be to impose strict liability, regardless of fault, on pipeline permit holders for damages resulting from activities related to the pipeline itself or to the marine leg of the route.

We have received assurances from Alyeska and the other commercial interests involved in the pipeline that they are convinced the trans-Alaska route can be so constructed as to be environmentally safe. The strict liability clauses in section 207 put the burden on them to prove that their assurances are completely valid. With these clauses, enlightened self-interest will make certain they do the best possible job to prevent environmental damage. Obviously I hope the clauses will never have to be invoked; yet even if they never are, I think their inclusion in H.R. 9130 strengthens the bill to a significant degree.

To insure even further that environmental stipulations are met during pipeline construction, I offered another amendment in subcommittee which was adopted as section 208 of the bill before us. This section requires the Secretary of the Interior to report to Congress semiannually on the progress of construction, with particular attention to how environmental safeguard stipulations are being carried out. In addition, this provision authorizes the Secretary to issue a cease-and-desist order if he finds that these stipulations are not being met or if unforeseen environmental damage occurs. This cease-and-desist authority could, I believe, prove to be an extremely effective mechanism for assuring adherence to environmentally sound procedures during construction.

In one other important respect, however, the committee's bill is still dangerously weak. I refer to those provisions of the bill which would permit construction of the pipeline to override the procedures of the National Environmental Policy Act of 1969—NEPA. It is my intention, as I indicated earlier, to introduce amendments, along with my colleague, Mr. OWENS and others, to delete these NEPA override provisions, section 202(d), a portion of section 203(a), and section

203(d), from H.R. 9130, and to insert in the bill a provision which would direct the most rapid possible handling of any relevant litigation.

Briefly, I see three major reasons for amending this bill as I have described. One, the question of the environment itself. Have we done all we possibly can and should to guard against possible environmental damage? Two, the need to maintain the integrity of NEPA. Are we prepared to set the stage for wiping out NEPA procedures any time they happen to come into confrontation with another important piece of legislation? And three, the need to settle any litigation on this matter as soundly and as quickly as possible. Do we really want to trade one course of litigation—with known issues and perimeters—for another, very possibly lengthier course of litigation which would raise a whole new series of legal issues?

I would like to elaborate briefly on each of these three questions. First, it is certainly true that, in accordance with NEPA, safeguards have been proposed to protect the environment in transporting the oil from the North Slope out through an Alaskan pipeline. But there has not been as yet any final determination as to whether these safeguards, and the environmental impact statement dealing with them, are adequate. And, in its present form, H.R. 9130 seeks to prevent the courts from making that final determination. Section 202 provides that the actions already taken by the Secretary of the Interior with respect to the pipeline are found to be in satisfactory compliance with NEPA. This provision quite clearly tries to thwart the current pending court case challenging the adequacy of the environmental impact statement on the Alaska pipeline.

In fact, the bill goes even farther than attempting to curtail present litigation over the question of environmental protection and the pipeline. Section 203 seeks to declare that no permits issued for construction of an Alaska pipeline would be subject to judicial review under NEPA. This provision would mean that even if unforeseen environmental damage occurs, the possibility of further litigation on these grounds is attempted to be eliminated. If questions arise during construction of the pipeline about possible damage to the environment and we in Congress seek to leave no judicial recourse to determine the adequacy of environmental safeguards, we are on questionable constitutional grounds and are making a serious mistake.

My second serious objection to the NEPA override provisions is that to set aside NEPA in this one instance has implications that go far beyond this single issue. We are definitely establishing a course of conduct with respect to NEPA whichever course of action we take, and we should be sharply aware of our choices in this regard. The National Environmental Policy Act of 1969 passed this body with overwhelming support along with a great deal of rhetoric about the landmark, far-reaching step we were taking to protect the Nation's environment. I am convinced that, in the near future, this historic legislation will increasingly be jeopardized as the environment and the energy crisis come to head-on confrontation. Once having overridden NEPA, how much easier it will be to say next time, "Oh, we can just tack a provision on this bill to set aside NEPA. It has been done before—remember the Alaska pipeline bill?"

Indeed, the language of the bill does not even attempt to establish criteria for the important precedent it is setting in overriding NEPA. Unless these provisions can be deleted, I believe we will leave the door wide open for future exceptions to NEPA. And, inevitably, this once-historic legislation will be seriously undermined, and the American public will be the losers.

NEPA has already been of great value in connection with the plans now on the drawing boards for the Alaska pipeline. We must get the North Slope oil out of Alaska and to the lower 48 States. NEPA, intact, can help us do so in the soundest possible fashion. NEPA, intact, can be invaluable in helping us solve our energy requirements in the future in the soundest possible fashion.

Third, as far as expediting the judicial process with regard to pipeline construction, I am thoroughly convinced that sections 202 and 203 as they now stand in H.R. 9130 are very likely to be counterproductive. Even though these sections ostensibly seek to block any further litigation in connection with the proposed trans-Alaska route, there is in fact absolutely no assurance that these provisions will have that effect. Indeed, there is on the contrary a very real possibility they would have quite the opposite effect by raising a series of new potential grounds for litigation.

Sections 202 and 203 attempt to eliminate litigation on environmental grounds. There are, however, other areas related to the entire issue which could conceivably be the subject of suits. For example, the provisions we will seek to delete attempt to deny judicial review. These provisions in themselves could be a subject for lengthy, delaying litigation. The constitutional questions of due process, or separation of powers between the judicial and legislative branches, and of equal protection of the laws are all raised by these provisions and, if they got into the courts, could very conceivably go all the way to the Supreme Court, very possibly holding up the pipeline throughout the case. Clearly, anyone truly dedicated to stalling construction of the Alaska pipeline is not going to be stopped by the present provisions in H.R. 9130 attempting to prevent litigation on environmental grounds. Why should not such a person or group bring suit on one of the other grounds handed to them on a platter by sections 202 and 203, particularly when these new grounds for litigation could take a long time to be determined? On the other hand, if the indicated portions of sections 202 and 203 are deleted by adoption of our amendments, it is quite possible that the current pending case could be decided quickly by a court already familiar with the issues and directed by our amendments to accelerate court review of cases in this field.

The House has an opportunity to log a very significant accomplishment by passing legislation to authorize construction of the Alaska pipeline and to expedite the process that will bring badly needed oil resources of the North Slope to the lower 48 States. But we should not pass seriously deficient legislation to reach this goal. We can easily correct the deficiency by passing our amendments to delete sections 202(d), portions of section 203(a) and section 203(d) from H.R. 9130 as it is before us and to insert a provision accelerating court review of the cases in this field.

I urge my colleagues' support of these important amendments. Once they have passed, I believe we can and should go on to pass H.R. 9130 overwhelmingly.

Mr. BROYHILL of Virginia. Mr. Chairman, I am fully persuaded that we should enact H.R. 9130 as approved by the Committee on Interior and Insular Affairs. Our need for the energy available from Alaska's North Slope is undisputed. Our people now use 16 million barrels of oil each day, more than one-third of which must be imported from foreign sources at the cost of devastating debits to our balance of payments ledger. And still we suffer shortage of this vital raw material. Natural gas is in such demand that we import it from north Africa at a cost which quadruples the price our own producers are paid, and we seek to import still more from the Soviet Union at even greater cost. And those who know our economy and our future needs tell us our petroleum deficits will grow in the near future by staggering proportions.

In these circumstances, it makes no sense to delay the use by our citizens of the vast reserves of North Slope oil and gas which are equal to 25 percent of our entire domestic reserves of oil and 10 percent of our entire domestic reserves of natural gas. Those who urge delay for environmental reasons are, at best, misinformed and misguided. They seem to ignore the monumental environmental study of the Federal interdepartmental task force, a thoroughly professional and comprehensive work conducted at an expenditure of 175 man-years of effort at a cost in excess of $9 million. They seem unaware of the unprecedented environmental and technical stipulations to be imposed on the construction and operation of this project, the most stringent terms and conditions ever imposed on a project of this kind.

Perhaps most important, they seem ignorant of the comparative environmental facts of the Alaskan route and the Canadian alternative they propose. It cannot be accurately said that the Canadian route is environmentally preferable. Compare the unavoidable environmental disturbance from constructing less than 800 miles of line by the Alaskan route with that from constructing the 1,700 miles of just the first leg of the Canadian route to Edmonton. Consider that the Canadian route crosses more than 200 rivers and streams, including 12 major rivers of more than one-half mile in width compared to 70 rivers and streams on the Alaska route, only one of major proportion. Remem-

ber that the Canadian route crosses 1,400 miles of permafrost, 1,200 of which are critically sensitive, compared to 740 miles of the Alaskan route. I could continue, but it would belabor the point.

For these reasons I say to my environmentalist friends and colleagues let us authorize construction of the trans-Alaska pipeline now, without further judicial delay, in order that west coast motorists may use oil low in sulphur compared to the Middle East supplies they must substitute and in order that mid-West and east coast consumers may have available the vast reserves of Alaskan North Slope natural gas to heat their homes. These reserves are associated with the oil reserves and will remain untapped until the oil is on stream. The sooner we make this clean natural gas available the better we serve the American people. We should pass H.R. 9130, as reported by the committee, and make certain the Alaska pipeline is constructed immediately.

Mr. ZION. Mr. Chairman, it has been said that the Middle West would suffer if we utilize the Alaska pipeline and that the Canadian line would be preferable. I come from that population center of the United States and am strongly in favor of the Alaska route.

We need the energy now, not after years of litigation and debate. I would like to read two telegrams from knowledgeable midwesterners who share my view:

INDIANAPOLIS, IND.,
July 30, 1973.

Representative ROGER ZION,
Longworth Office Building,
Washington, D.C.:

Urge your favorable and affirmative consideration of H.R. 9130 (Alaskan Pipeline bill). Current lack of petroleum in Indiana and U.S. will be considerably relieved by putting the Alaskan Pipeline under construction now.

OTIS R. BOWEN, M.D.,
Governor.
ROBERT D. ORR,
Lieutenant Governor.

INDIANAPOLIS, IND.,
July 30, 1973.

Representative ROGER ZION,
Longworth Office Building,
Capitol Hill, D.C.:

Understand H.R. 9130, the Alaska Pipeline bill, to be considered by House August 2. The Highway-Heavy Construction Industry in Indiana most earnestly urges you to support passage of this bill. Many contractors already have been threatened by work stoppages because of fuel shortage and situation threatens to get worse. You will be serving the best interests of all Hoosiers if you vote for H.R. 9130.

Indiana Highway Constructors, Inc., respectfully requests your full support in this most important matter.

JAMES G. NEWLAND,
Executive Secretary.

Mr. MELCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, the 93d Congress will confront a whole range of issues where the energy crunch comes into conflict with these bold environmental goals set in the past few years. This is simply the first in a long line. We will be bringing forth the important and controversial strip mining and a number of other issues as the Congress goes on.

The way in which we have handled the whole Alaska pipeline problem is really a dismal story. In 1968 they discovered in Alaska great oil reserves, one of the greatest finds in the history of American oil production. If Canada and the United States had been one country, we would have sat down with our neighbors and would have said, "Here is a great resource which we have to get to market eventually. How shall we handle it? What kind of an oil policy and what kind of a gas policy should we have for the best interests of 220 million or 230 million people of these two countries?"

We did not do that. The oil companies moved in with a full-court press and, operating in the fashion for which they are famous, which indeed earned them the label of the fourth branch government from one of the members of the committee, they started buying pipe from Japan and started making plans to rush this to market. All this was done without, any adequate consideration, of long range national needs.

The result is that 5 years later we are left with a bunch of unhappy choices.

There is honest, sincere doubt whether we can ever make a deal with Canada. Let us face it. It is possible, but we ought to face the fact that Canada has played a very ambiguous game on this, and I do not believe they yet have any national consensus as to what they want to do.

But now we are stuck with another bad alternative, and that is this: When the Midwest is hungry for oil, when our future needs are going to mostly be in other parts of the country, when the west coast is about as self-sufficient as any other region of the country, we are going to bring this entire resource down to the west coast. Those Members from the Midwest and those Members from other sections of the country who support this bill are really voting for oil for the west coast. This is basically a bill for the relief of the west coast. The supertankers we are going to use in the 1980's cannot get through the Panama Canal, and if we look at the other aspects of transportation, shipping it around Cape Horn, we have got some very serious cost problems on our hands.

Mr. Chairman, I want to touch, within the brief time I have, on a couple of other points. I support the Dellenback-Owens amendment on NEPA, and I do not see any inconsistency with that and offering the substitute which Congressman ANDERSON of Illinois and the gentleman from Minnesota (Mr. BLATNIK) cosponsor with me. I shall also support some of the other amendments which will be offered later in the day.

We are going to hear much—we have already heard about it—about the alleged $10 million a day it is costing us by not building this pipeline at once. These are phony figures, and I hope the Members will not be misled. They are predicated on a full pipeline, with 2 million barrels a day.

If we look at the studies of the Secretary of the Interior and the statement on environmental impact on page 30, they tell us that because of the way oil fields operate, in order to maximize the resource, they have to start production slowly and build up.

We are led to believe that if we pass this bill today, next week or early next year, when we drive up to the "Old Esso Tiger," there is going to be gas in the tank there that is not there today. Do we know when that time will occur, the day when we get the first drop of oil out of the end of that pipeline?

Mr. Chairman, with a lot of luck, maybe it will be 1977, but the likely time is 1978. There is not going to be any oil from this pipeline in 1974 or 1975 or 1976, in all probability 1977. Even in 1978 the volume of oil coming out of that pipeline will not be a million barrels a day or 2 million; it will be 600,000 barrels a day.

In 1984, almost three Presidential election cycles from now, it will not be 2 million; it will be 1.2 million, and this great 2-million-barrel figure on which they predicate this $10 million a day which we are losing, will finally come in the year 1986.

So I believe when we are dealing with a pipeline that is important, with a resource that is important, we must remember that it will be important in the mid-1980's when the real crunch is on. Surely if we take another 4 or 5 months, as we would take under my compromise proposal, or another 3 or 4 months, which we should take to go through the process of NEPA and preserve that great principle, we would not lose very much. The Alaska oil is important—I do not want to underrate it—but its main importance is to help us get through that crunch of the mid-1980's.

So, Mr. Chairman, I hope that when we get to that amendment it will be adopted.

Mr. STEIGER of Arizona. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I believe that all this talk about NEPA has turned into a mystery because nobody really knows or recalls, or at least discusses, what NEPA actually requires.

What NEPA requires is that there be included in every recommendation or report, or proposal for legislation, or other Federal act a statement on matters affecting the quality of the human environment, a detailed statement by a responsible official on, among other things, alternatives to the proposal, and to the fullest extent all Federal agencies shall study, develop, and describe appropriate alternatives, and so forth.

Thus, NEPA is a procedural arrangement whereby as above indicated, the Government is required to carefully examine environmental consideration and environmental alternatives.

However, after having examined all these things NEPA does not require the Government to pay a bit of attention to them. I repeat, NEPA requires only that the procedure be gone through, it does not require the Government to do anything more. It can still issue a permit for a pipeline or do anything else that it is otherwise empowered to do even though it might be damaging to some extent to the environment. Thus NEPA's effect is to establish a procedural minuet. You have to go through a dance and dance this minuet with regard to environmental

considerations and alternatives in the way NEPA prescribes. If you miss a step these environmentalists take the Government to court.

When these people go to court in these NEPA cases what they do is to say that the department or agency did not dance this minuet correctly; they did not shuffle all of the papers in the correct order or did not consider all of the alternatives or comply with some other prerequisite. It is clearly a procedural thing; it is not a substantive thing. This is because when it is all done, the department or agency under no compulsion gives the NEPA report any weight at all.

So what this bill before us proposes simply to say is that the extensive actions of the Secretary of the Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of NEPA; it simply says the papers have been shuffled right and the minuet has been danced correctly. That is all it does.

We are not bypassing anything or anybody because this pipeline question has been studied and restudied. There is nobody who has spoken yet that even contends there are any alternatives to getting this oil down from Alaska by pipeline. There is no question that it will be built.

They are just contending we should go through the dance all the way despite the fact that it would be a useless and dilatory exercise. Congress has the power to say we do not have to dance this minuet to its end or continue to shuffle every last one of all of the papers and I suggest it is the course of wisdom to say it. That is all that is involved here.

So I ask you to support this bill without the crippling Dellenback amendment.

Mr. STEIGER of Arizona. Mr. Chairman, I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I would like to take this opportunity to speak in support of the Alaska pipeline legislation now before us and to comment on some of the issues involved and some of the questions which have been raised both in support of and in opposition to the measure.

Our committee has labored long and hard over this particular bill trying to gather relevant information, soliciting the best available views and opinions from many groups and many individuals interested in this question, debating and discussing every facet of the issues involved and, finally, making the very difficult decisions associated with the pipeline which are outlined in our committee report.

While these decisions involved complex, controversial and sometimes extremely technical points, they ultimately had to be made and I believe the Congress and the American people owe a great debt of gratitude to the distinguished gentleman from Montana (Mr. MELCHER) for the extremely fair and judicious manner in which he chaired our consideration of the various proposals advanced throughout the subcommittee's deliberations of the Alaska pipeline question.

In all candor, there is no question that many of us who were involved in these deliberations had serious questions not only about the legislation itself, but over some of the language in this legislation. Quite frankly, the questions I had, which I will discuss further, were ultimately resolved in my own mind in the larger national interest.

While I will not take the time here to discuss or debate the question of whether or not there exists either a national or international oil shortage, one central point appears quite evident. Shortages did exist this summer at service stations and at other distribution points throughout the Nation and everybody knows it. Commuters, vacationers, and people who rely on vehicles for their livelihood were being told "no gas." In my own congressional district, this summer's gas crisis posed a serious threat to practically every segment of the local economy. Nationwide, this crisis could have spelled disaster for American farmers if the trends set in May and June had not been alleviated through Government controls and the voluntary conservation of petroleum products by the American people.

But, what about next summer? Will voluntary or even mandatory controls preclude a similar or perhaps more critical situation next year or in the years ahead unless something more positive, more realistic and more prudent is done and done soon to insure that future petroleum supplies meet future petroleum demands? The point is, no one knows for sure—not even our best experts in this field—and that uncertainty, in my view, is a risk this Nation cannot and need not take.

In my judgment, the question of either a national or global oil shortage is a myth. The facts of the matter suggest that sufficient petroleum reserves exist in plentiful quantities relative to both existing and future demands. At present, however, the United States has a mere 5.5 percent of the world's proven oil reserves while the Middle East holds 53.3 percent, Africa 15.9 percent, and the Soviet Union 11.2 percent. Thus, members of the Organization of Petroleum Exporting Countries—OPEC—because they hold the so-called spare oil are also holding what appear to be the "high cards" in the oil production game of the future.

Prof. M. A. Adelman of the Massachusetts Institute of Technology, a noted economist and author of "The World Petroleum Market," has stated that the oil-exporting countries—OPEC—have joined in a price-fixing cartel which, in Adelman's words, represents "the greatest monopoly in history" and which, between now and 1980, will take in more than $200 billion for its members.

Couple this, if you will, with the now established fact that oil finances Palestinian terrorism. Libya's dictator and strong man, Colonel Gaddafi, talks of using oil wealth to export revolution and, by keeping Arab hopes alive of someday destroying Israel, this flow of dollars—poses a serious threat to the incoming money—much of it U.S. dollars—poses a serious threat to the possibility of peace and stabilization in the Middle East.

Yet, more than 5 years following the largest oil deposits ever discovered in North America was found on the North Slope of Alaska, the development of a reliable delivery system to bring this oil to market remains stalled and embroiled in controversy.

Thus, I believe a compelling case has been made for acquiring the oil that lies under Alaska's North Slope—American oil, for American markets.

As Senator "SCOOP" JACKSON has said:

> The pipeline has been stalled far beyond any reasonable time . . . We need those 10 billion barrels of oil going to waste up there in Alaska, and we need it pronto. Our fuel needs, the need to reduce our imbalance of payments, the need to be as independent as possible of growing Arab political pressures—all are far more important than unfounded or exaggerated claims of potential ecological damage.

Many people, of course, feel the pipeline should not be constructed under any circumstances. Some see an impending problem with litigation that would either delay construction of the pipeline or prevent its construction entirely. Others differ over the route the pipeline should follow—whether it be the all-Alaska route or the trans-Canadian route.

With regard to the decision to adopt the all-Alaska route, let me say that, in my view, too little consideration has been given the political implications of the trans-Canadian route. Our traditional relationship with Canada has always been excellent and I sincerely hope we would avoid any action or decision, however justified for the domestic good, that would damage or impair those relations. In the final analysis, there was no guarantee offered or available that could insure continued good relations with Canada.

In addition to the obvious need for the oil and the need to improve our overall negotiating position with all oil-producing and oil-exporting countries, which I discussed earlier, another important factor in my decision to support construction of the pipeline, was my record and concern for the State of Alaska and its citizens.

Alaska needs the pipeline and the Alaskan Natives have been waiting patiently for the oil to start flowing in order that they might obtain their share of the revenues the Congress promised them when we passed the Native Claims Act. The oil revenues can provide a means whereby the lives and communities of the Alaskan Natives would be substantially improved.

The State of Alaska has, of necessity, been utilizing moneys received from lease sales, initially some $900 million, to finance State programs and projects to the extent that reportedly, by 1976 or 1977 these funds will be exhausted. Thus, a very serious question remains—do we have the right now to say to the State of Alaska and the people of Alaska that they are not now entitled to or should not enjoy and benefit from the resources of their own State? I think not.

One problem that has particularly concerned me throughout our consideration of this bill has been the question of what this construction project represents in terms of a possible adverse impact on the environment. However, to say that the decisions reached in this bill would, by design, be harmful to the environment or the National Environmental Policy Act of 1969 is, in my judgment, both reckless and wrong. NEPA is a "creature" of Congress and it has been the "instrument" most responsible, in my judgment, for focusing needed public attention on environmental requirements.

This bill includes provisions directing the Secretary of the Interior to grant permits based on a congressional finding that NEPA has been complied with. Its six-volume impact statement is the most thorough study of its kind in history, representing years of work and expenditures of over $7 million. Quite frankly, Mr. Chairman, I question that it was ever the intent of the Congress that NEPA have the power or the authority to confer congressional policymaking jurisdiction on the administration or on the courts. Without this congressional prerogative, this pipeline and comparable construction projects in the future could be tied up indefinitely and perhaps forever.

I believe very strongly that every known technological resource at our command should and must be applied to this project to minimize any possible or potential ecological impact. Beyond simply authorizing its construction, the Congress should go one step further and require a continuing oversight of the project to make certain it meets the public need and consideration of the environment to the highest possible degree.

Mr. Chairman, I am well aware of the implications involved in the setting aside of further judicial review under NEPA. I voted for the creation of NEPA in 1969. I support it now. There is no question that we and the Nation have serious unresolved environmental problems and the concepts embodied in NEPA seem to me to be the proper method and manner for approaching them and hopefully resolving them as well.

In saying this, however, I must also add that when I voted for the National Environmental Act of 1969 I certainly did not envision it then as a mechanism whereby the courts could be used to block or stop orderly economic development, nor do I now. As a nation, Mr. Chairman, we simply cannot afford the "luxury" of bringing all development to a standstill while our country faces the dilemma of major energy problems, inflated prices, balance of payments problems, housing shortages, and a slow but forward moving erosion of the confidence of our people in the will of government to solve problems.

I am deeply troubled to find it necessary to support the kind of action we are recommending here today with regard to NEPA. However, I will continue to support the language in this proposed legislation as contained in title II because I see it as the only viable and meaningful solution to needless further litigation.

This Congress is being asked to make a major decision—one involving national policy—and, as one Member, I believe it should and must be made.

The bill before us now represents legislative authority to build the Alaska pipeline after due consideration of the most strongest environmental safeguards. As such, it is a tribute, I believe, to the many groups and individuals who worked so diligently to make certain these safeguards were required in all phases of construction and operation.

The days of cheap energy and plentiful energy resources in the United States are gone. The time has come for hard decisions as to what we, as people and as a nation, are going to do to meet the constantly increasing demands being placed on an ever-dwindling supply. The challenge facing us here today represents one of the great opportunities of our time. The only question is, are we up to making that kind of a decision here today? For myself and as a cosponsor of H.R. 9130, I believe this legislation is the best way to expedite the construction of the much needed Alaskan pipeline and resolve the problems which have plagued this project for the past 5 years.

Mr. STEIGER of Arizona. Mr. Chairman, I yield to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I am confident that you will agree that Alaska's oil is needed to help meet our Nations critical energy needs, to help lessen its dependency on foreign oil, and to help reduce our burgeoning balance-of-payments deficit in money being paid for foreign oil.

Judging by my mail, many people do not yet appreciate that the long-delayed trans-Alaskan oil pipeline has been designed with the environment as the overriding consideration and is one of the safest most foolproof, most practical such enterprise in history.

The basic argument that the Alaskan pipeline would spoil the wilderness is ridiculous. Trans-Alaska would be less than 800 miles long, trans-Canada would be some 3,200 miles. The Alaskan pipeline would cross 789 miles of northern wildlife habitat, the Canadian pipeline would cross 1,700 miles. Ours would cross 525 miles of permafrost, the other 1,200 miles. Ours would require only one major river crossing, at the Yukon, while the other would involve 12 such crossings.

Equally specious is the widespread notion that migratory animals such as the caribou would be unable to pass over the pipeline. The facts are that more than half of the line would be buried 7 to 10 feet underground and where the line is scheduled to be above ground, or elevated, ramps and underpasses would be provided for the animals.

It has been claimed that the pipeline would be subject to rupture by earthquakes, by the melting frozen tundra around it, or by some other cause. The facts are that the line has been designed to be safe from the most severe quake ever recorded in Alaska; that the line will be elevated over all unprotected permafrost, and that the whole line will be monitored 24 hours a day to detect the least oil spillage anywhere. In the highly unlikely event of a break or rupture in the 48-inch pipe, automatically controlled cutoff valves would go into operation wherever needed and the whole line could be shut down in less than 6 minutes.

In that same category is the contention that tankers needed to transport their oil treasure from Valdez to our west coast ports would be a high-hazard risk of major oil spillage in offshore waters. The fact is that thousands of tankers travel up and down the west coast every year without incident. North Slope oil would add about 18 large tankers a week to this traffic, and they would have to operate under some of the tightest safety controls ever imposed.

In the event of a large spill from a damaged tanker—which could happen anywhere—the spill would be contained and localized. All the most advanced equipment known to man would be at hand to accomplish this and keep ecological damage to its barest minimum.

The final and latest contention—that a trans-Canadian pipeline may be preferable to the trans-Alaska line—is to me the most specious of all.

In the first place the time required to complete a trans-Canada pipeline even under the most likely circumstances, would be 9 or 10 years—as compared to 3 for trans-Alaska, and would cost in the same 3-to-1 proportion. The reasons given are as follows:

First. Ownership and operating agreements must be negotiated and a corporate entity must be formed to undertake all the responsibilities associated with financing, designing, and constructing a project of this magnitude.

Second. The Canadian Native Claims issue must be resolved—litigation is pending.

Third. There would be at least several years before the detailed route analysis through Canada could be completed.

Fourth. Alaska pipeline plans call for 3 years from start to commissioning whereas the best estimate for the Canadian line would be 5 to 6 years.

Fifth. The total of 9 to 10 years required to accomplish the route analysis and design does not envision any prolonged delay for either Canadian or United States governmental actions or approvals.

In other words, our oil hungry country could not get at its own Alaskan oil until the mid-1980's and then at the dubious cost of having it under foreign transportation control. By contrast, the trans-Alaska line could be in operation by 1976 and it would be entirely under our own jurisdiction.

These oil reserves do not represent the final answer to our energy needs. We need to explore and pursue additional measures. Other energy sources—such as solar and nuclear energy, and geothermal power—must be tapped if we are to meet the energy challenge.

The Alaskan oil pipeline is a first step. Further delay would not only be foolish—it would be disastrous. That is why I favor immediate construction. I encourage my colleagues to support the bill as it now stands.

Mr. STEIGER of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. TOWELL).

Mr. TOWELL of Nevada. Mr. Chair-

man, all of us here today are vitally concerned about the environmental impact that the Alaska pipeline may possibly have on that great State. Of course, we are concerned about that environment in our home districts and home States as well. We also have an additional problem in this country, and that is obviously the energy crisis we find ourselves in. In order to solve these problems, and move the Nation ahead, we cannot let ourselves give in to every whim of our giant industries or, indeed, to every wild cry of the various environmental groups.

What we need today is a balanced answer to both problems. I believe by passing H.R. 9130 today as written by the Subcommittee on Public Lands and the full Committee on Interior and Insular Affairs, we will be moving ahead with a sound, balanced approach that I have mentioned above.

Since oil was discovered on the North Slope of Alaska over 5 years ago, $7 million has been spent on studying the environmental aspects of the pipeline route. The oil field itself at Prudhoe Bay, Alaska, has been studied more than any other oil field in the world. The very pipe itself has undergone hundreds of hours of test and will continue to be tested during its use. The entire line—all 787 miles—will have a complete series of control valves in order to shut it down within minutes of any major or minor problem.

Another area of concern for many people in Canada and the United States seems to center around the shipment of oil via tankers from the Port of Valdese. These tankers will be of the utmost modern design and will, indeed, far exceed the standards which are now applied to most oil tankers bringing crude oil to various U.S. ports.

Because they will be American bottoms, operated by American crews, and owned by American companies, controlled by the U.S. Coast Guard, I am completely convinced that we have alleviated the danger of any major mishap during this section of oil transportation.

Because of the thorough study by the State of Alaska, the Federal Government, and the individual oil companies—completely independent of each other—with these studies having been completely transmitted to the various committees I have served on, I believe it is now time to move ahead with passage of the Alaska pipeline bill and, indeed, move forward with the construction of the pipeline itself.

Mr. MELCHER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. TAYLOR), a member of the committee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I am cosponsoring H.R. 9130 because I believe that the Alaska pipeline must be built. I commend the gentleman from Montana (Mr. MELCHER), chairman of the subcommittee, handling this legislation on his outstanding leadership in the subcommittee in the House Interior Committee and on the House floor today.

First, energy experts state that the North Slope of Alaska will provide some 2 million barrels of crude oil per day—enough to reduce our Nation's oil imports by one-third over a 15-year period—and that this oil offers the only hope of a large increase in domestic oil production in the near future.

Second, testimony before the committee indicates that it would take some 3 or 4 years to construct the trans-Alaska oil line and other needed facilities so as to bring this oil to the American market after construction is permitted.

Third, a proposed trans-Canadian line running from Alaska to the midwestern part of the United States is contingent upon an agreement being reached with Canada. Then, we would have to start at the beginning on engineering work, environmental reports, and so forth. Testimony before the committee indicated that shifting from the Alaskan to the Canadian proposal would delay use of the oil by some 5 additional years.

With independent gas stations being forced to close, with farm tractors running out of gas, and an oil crisis facing the average American citizen, I believe that our people are demanding that there be no further delay in getting this oil to market.

In a recent questionnaire which I sent to my constituents, one question read:

Do you favor construction of the proposed oil pipeline through Alaska?

And 88 percent of those responding said yes.

While I strongly support the objectives of this bill, during the deliberations in the House committee I voted for the so-called Dellenback amendment, believing that the preservation of NEPA was important and that the language of the bill without the amendment would be tested on the grounds of constitutionality, so that more litigation would be in the offing, regardless of the wording of the bill. Also it appears to me that setting aside the provisions of NEPA does constitute a dangerous precedent which will likely cause trouble in the future.

I supported language in the bill providing that litigation concerning the pipeline shall take precedence over all other matters on court dockets.

Mr. Chairman, I believe that it is in the national interest that the Alaska pipeline be constructed without unnecessary delay and in such a way that the environment will be protected in every way possible against pipeline leaks in Alaska and from shipwrecks and leakage as the oil is brought by tanker down the west coast.

Mr. STEIGER of Arizona. Mr. Chairman, I yield 5 minutes to the ranking minority member of the full committee, the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, this bill, H.R. 9130, demonstrates how hasty "pressure" legislation results in ill-advised overkill which will, if passed, set some very far-reaching precedents that will return to haunt this Congress for many years to come. We have been told that this legislation, as written, is vital to the immediate construction of the trans-Alaskan oil pipeline. It is not. It has been implied that the American public will experience some immediate relief from fuel and gasoline shortages. This is not, of course, the case. There are few people who would argue that we are not in some substantial trouble as regards the need for additional supplies of all forms of fuel and energy. There could well be fewer large automobiles sold. We may have to drive a bit slower. There will probably be some cold schoolrooms and homes this winter. But to suggest that the type of legislation found in H.R. 9130 will solve our fuel and energy problems is, at best, ridiculous.

TITLE I

Title I of H.R. 9130 is an amendment to section 28 of the Mineral Leasing Act of 1920. The reason for an amendment to section 28 is because of the recent decision of the Circuit Court of Appeals for the District of Columbia which held that the Secretary of the Interior did not have the authority to grant rights-of-way across public lands in excess of the existing law.

In this regard the majority contention as to the need for an amendment to section 28 was correct. The court said that the Congress would have to provide such authority either by amending section 28's width limitation or exempting the trans-Alaskan oil pipeline from the provisions of the section 28 limitation. But that is all the court did say. To suggest the rest of title I can be defended on the basis of the appeals court decision is not simply ill founded, but is untrue.

There is no doubt that our rights-of-way laws need drastic revision and general overhaul, but the piecemeal rewrite of rights-of-way for gas and oil pipelines only, completely ignores urgent needs of other rights-of-way for such things as power transmission lines, highways, water aqueducts, telecommunication facilities, and utility corridors. We have no basis in the hearing record on this bill to support what we find in title I. The Subcommittee on Public Lands took testimony primarily on the trans-Alaskan oil pipeline. Review of the hearing record will show anyone that 95 percent plus of the testimony dealt with the Alaskan oil pipeline. Based on the 48-hour 31-minute hearing record you would expect to find a simple widening of the section 28 width limitation or an exemption from the section 28 limitation for the trans-Alaskan oil pipeline. But we find neither. One thing that has been done is to remove the requirement that the pipe be placed in the center of the right-of-way. The 50 feet plus the width of the pipe remains the same. The other thing that has been done is to define a pipeline to include the ground occupied by the facilities related to the pipe itself; to wit: valves, pump stations, support structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, and campsites. Result—a variable width right-of-way. The sham of the 50-foot limitation is obvious.

There is no question that modern technology has led to a proliferation of all forms of massive transportation facilities be they the huge power wheeling lines, aqueduct systems, highways, oil pipelines, gas pipelines, radio, and television transmission facilities or slurry transport from mining operations. We have a crying need to coordinate our requirements

in all of these areas and develop common transportation corridors. There is great waste of our resources, especially our remaining public lands, through this continued proliferation and duplication as we keep right on down the road of doing what seems the most expedient on a project-by-project and resource-by-resource basis. The manner in which we are being asked to rewrite rights-of-way laws for all oil and gas pipelines with H.R 9130 is in this same expedient pattern. We have no way of knowing what the full impact of title I might be because the committee had before it only the sparsest shred of analysis, and no catalog at all, of the shortcomings alleged to exist in each of the now existing rights-of-way laws. The urgency of this piecemeal legislation remains in terms of the trans-Alaskan oil pipeline. Such urgency is much better handled by a simple amendment to or exemption from the current width limitation of section 28.

Title I of this bill should not be passed as it is written. We will consider in great detail, this fall, when we return from the recess, the general rights-of-way question when the Subcommittee on Public Lands considers H.R. 5441, the National Resources Lands Management Act, or H.R. 5442, the Mineral Leasing Act of 1973.

TITLE II

On page 14 of the report on H.R. 9130 (Rept. No. 93–414), the majority states:

Title II relates ONLY to the grant of rights-of-way and permits for an oil pipeline from the North Slope of Alaska to Valdez on the southern coast of Alaska.

This is only one of many misleading statements. When the bill started out in subcommittee markup this was largely true, not now. Note that section 203(c) deals with the liability of the oil companies to Alaska Natives if an oil spill causes them injury or damage. Section 203(e) deals with minority subcontracting Section 203(f) deals with how the proponents expect to handle any lawsuits that are filed and represents the untruth they, themselves, put to their attempt to end litigation under NEPA. Section 206 deals with crude oil exports from this North Slope field. Section 207(a) deals with unlimited no-fault liability of the oil companies as regards the 789-mile TAPE line. Sections 207(b) and 207(c) deal with unlimited liability of the oil companies on the marine leg of the TAPS system. Section 209 sets up a study of the feasibility of an additional trans-Canadian oil pipeline. Thus a relatively small part of title II deals only with the grant of the TAPS right-of-way and permits, the rest with operation and maintenance of a completed pipeline.

All of the other issues aside, there is no question but that the single most important issue we are facing in H.R. 9130 is whether we are going to serve the public interest under a law we passed, or whether we are going to serve the special interests of the oil companies on the Alaskan North Slope. It really is that simple. I would remind my colleagues that there are still 305 Members here who served in the Congress in 1969 and 27 of you voted in favor of setting up NEPA.

The Report on H.R. 9130 says that "it is fitting and proper for Congress to make" the policy decision regarding the trans-Alaskan oil pipeline. I concur in this judgment. The executive branch as well as the courts turned to Congress for a policy decision; we should provide one. I went before the Rules Committee to support bringing this issue to the floor of the House in order that this decision could be made. This decision, however, is not as cut and dried as the majority report would have the world believe.

In 1969, the Congress enacted the National Environmental Policy Act. Through NEPA, the Congress established a procedure which provides an orderly manner for handling environmental issues. Under this procedure, environmental issues would be taken up, thought through, and certain actions taken in the way of an environmental impact statement on programs and projects having impact on the environment surrounding the program or project. When we established NEPA we said that those living in and using our environment had a reasonable right to, and could, test in the courts the adequacy and validity of the impact statements. We assigned to the executive branch of the Government the responsibility for going deeply into the environmental aspects of a program or project to prepare the impact statements.

The legislation we consider here proposes to say, in section 202(d), that the Congress finds that, without completing the still pending court test of the adequacy of the NEPA impact statement, the actions taken heretofore by the Secretary of the Interior regarding the TAPS oil pipeline shall be regarded as full and satisfactory compliance with the provisions of NEPA. I submit that this says we have full and complete knowledge of what is in the six-volume NEPA impact statement, including the stipulations, the volumes of economic analysis. and the 25 volumes of hearings underlying this massive work. I for one have not read even a fraction of these volumes and I seriously doubt anyone else, on or off the House Interior Committee, has read them either. We have no way to judge the adequacy of this material. Yet we are in title II of this bill, proposing to set aside the process we, ourselves, have established to judge whether the work is adequate and complies with the National Environmental Policy Act.

We can accept the word of the Secretary of the Interior that the reports are adequate and in compliance. We can accept the word of District Judge Hart that the reports are adequate. We can accept the word of the oil companies that Canada is not interested in a Canadian oil pipeline. Or we can allow the courts to complete the work they started, mandating that they expedite the case, allowing the Supreme Court to render a decision this fall. I submit this latter route is the only one which we can make with a clear conscience and with the knowledge that we really do want to keep our high environmental goals intact. The gentleman from Oregon (Mr. DELLENBACK) and the gentleman from Oklahoma (Mr. OWENS) who proposed substitute provisions that would expedite the case through the courts, rather than breach NEPA, will offer such an amendment and I urge your support.

In addition to the declaration we are asked to make in section 202(d), we are also asked, in section 203(a) and 203(d) to say there shall be no further judicial review of issues on the basis of NEPA, and that the Secretary shall proceed to issue such rights-of-way and permits as he finds necessary to construct, operate, and maintain the TAPS oil pipeline. It is one thing to say the Secretary heretofore has complied with NEPA, it is quite another to try to cut off all recourse for those who disagree. The majority report would have everyone believe that the language in sections 203(a) and 203(d) would end judicial reviews. But, there is no certainty at all of ending litigation. Even the proponents recognized this with the insertion of section 203(f) cutting off the filing of any court action or proceeding within 60 days of the issue of a construction right-of-way or permit, establishing a three-judge district court and providing direct appeal to the Supreme Court. The section further directs that such litigation shall take precedence over all other matters on the district court's docket. If Congress feels the court action on the TAPS oil pipeline has become merely a dilatory tactic by opponents of the pipeline, we should erase the ability to continue such tactics, but we should not create the precedent whereby all serious environmental concern can be brushed aside. To include the language of 203(f) testified to both the uncertainty of the proponents have regarding their ability to cut off further judicial review and their uncertainty as to the adequacy of the Secretary's NEPA Report on the TAPS oil pipeline.

The basic problem that led to this shortcut destructive legislation was the inadequate study of alternatives by the Secretary of the Interior and the misrepresentations by the Department of State. A remedy proposed in committee provided for an independent study of both the TAPS oil pipeline including its marine leg from Valdez, Alaska, to the west coast, and the trans-Canada route across northeastern Alaska and into the Midwest. This study would be undertaken by the Comptroller General. He would be directed to identify and define those domestic markets expected to experience the greatest immediate and long-term demand for petroleum, and determine which of the two routes would best meet this petroleum demand. He would give equal consideration to the environmental impact, economic cost, and the national security aspects of the two principal alternative routes.

This kind of approach would give the Congress the information on which to make a judgment as to which oil pipeline system would best serve the public interest. Moreover, such a study could be completed as the court review of the Secretary of the Interior's final environmental impact statement was underway.

Then, if the courts found the Secretary's impact statement to be inadequate, there would be an objective study upon which the Congress could take immediate action and thereby could avoid further costly reliance on a biased administration position.

There are those who would maintain that a serious concern over how the oil from the North Slope is delivered is another attempt at delay. Nothing could be further from the truth. Some of us have been around long enough to want to try to prevent what has happened to the lower 48 States from happening to Alaska. The pollution and degradation of the environment are preventable. To try to retrieve the environment once it is lost is a poor path to travel. I stated before the Rules Committee that I am not opposed to bringing the oil off the North Slope. But I want to see it done in a manner that is consistent with the high environmental goals we established under NEPA.

Without appropriate amendments to H.R. 9130, I cannot support its passage. I am fully aware of the energy crisis we are going to live with for a while. I am also aware that we are facing unresolved environmental problems of major proportions. This legislation is a good test of whether we will pay lip service to our environmental goals and shortcut our environmental protection standards or try to meet the energy crisis without compromising the environmental goals. We must and we can both meet that energy crisis and protect our environment. There is a sound way to meld the serious unresolved problems of the environment and the massive problems in the energy crisis. At the first crash of confrontation and collision, we must not, as this bill does, attempt to legislate away one horn of our dilemma. It cannot be done.

Mr. Chairman, I would now like to comment about some of the things that have been said by the Members here on the floor.

If I were a Canadian, and a Member of the Canadian Parliament, and read what has been said on this floor about their actions and about their potentially unstable government, and the fact that they have changed their mind, I would never give anybody a permit to put a pipeline through Canada, whether it was owned 51 percent or 100 percent by the Canadian interests.

It seems to me that the Good Book has something in it which might be well for us to remember wherein the person was admonished that before he attempts to cast the beam out of his enemy's eye, that he cast the mote out of his own. For a country that changes its mind on so many things, and has done so recently, it little behooves us to complain about our neighbor to the north that has been our friend ever since that country has been established.

The Dellenback-Owens amendment, which is the real bone of contention in this bill, says that we shall continue with the court case that is now pending and let the district, circuit, and Supreme Courts decide the issue rather than have a decision by the Congress.

I said before the Committee on Rules, and I say here today, there is no Member of this House who has read these six volumes that constitute the NEPA report. I know I have not; I have not had time. I could almost make the statement that no staff member has read the complete six volumes. They may have scanned through or looked at the summary, yes, but they have not read it.

When the NEPA bill was passed on the 23d day of September 1969, I have gone back and gotten the record, the debate was replete with statements by Members on both sides of the aisle of the fact that at long last this country was beginning to appreciate the fact that for over 170 years we had abused our environment. We had not considered it as we developed our country. For the further protection of mankind, they said we were going to do what we had never done before: We were going to ask that the environment be considered by the Federal Government as we went ahead with all of our programs.

I have gone over the record, and it is going to be interesting to see how many of us who are here on the House floor today will change our votes, because, believe it or not, NEPA passed 372 to 15.

Most of those who have gotten up and spoken and said it is a minuet or a dance or a shuffle of papers, strangely enough when the bill was considered, said it was a monumental piece of legislation by the Congress, and after all of these years Congress was facing up to its responsibility. Now, when before the committee, Mr. DELLENBACK and Mr. OWENS offered the amendment, they said that it will be a delaying tactic. Anybody who says that has not read the court decision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEIGER of Arizona. I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. SAYLOR. The court decision very clearly said that there were two issues. One was whether or not the pipeline right-of-way was correct, and they determined that it was not. The second issue was whether or not the Secretary of the Interior had complied with the NEPA requirements.

And the court said:

> We will not give up jurisdiction. We will maintain jurisdiction of this case and we will find out whether or not Congress is going to change the Mineral Leasing Act of 1920.

The first section of this bill does that. The second section goes a little further. But the court, right here in the District of Columbia, that has retained jurisdiction would have the opportunity to make their decision, without going to Alaska or anywhere else, or to operate under any new procedures that are to be set up, and then move to the Supreme Court.

The way to handle this thing in the most expeditious manner, and to see to it that the oil that this country needs is brought out in the most rapid manner, is to support the Dellenback-Owens amendment. I urge that it be supported and then, I will say this publicly, I will vote for the bill. Without it, I will not.

Mr. MELCHER. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Chairman, I rise in support of H.R. 9130.

I am going to speak about just one facet of the debate surrounding the Alaska pipeline. The point I wish to make has to do with the hazards of U.S. dependence on oil imports particularly from the Middle East for 1 day longer than is necessary.

In the last 2 years as chairman of the Science and Astronautics Task Force on Energy and this year as chairman of the Energy Subcommittee, I have found one troubling attitude in public opinion that has surfaced again and again. It is being put forth in the press and on the floor of this Congress. This fallacy may be described as follows: "There really is no energy crisis. There is no need for urgency. No petroleum shortage exists. The reason there is a shortage of gasoline is that it has been artificially contrived by the oil companies. We really have all the fuel we need. We do not need to worry about imports. We can develop new sources of energy such as solar and geothermal and fusion to solve our energy requirements as we need them."

All facets of these misconceptions are catastrophically in error.

Mr. Chairman, the people of this Nation and the Members of Congress must understand our country already is in an energy crisis which is getting worse with each day.

We have recently seen one facet of the crisis in the shortage of gasoline and electricity here in the United States. This is just one aspect of the problem, and it is a management crisis.

The second and more important facet of this problem is the need for this Nation and this Congress to provide solutions to our shortages without unnecessary harm to the environment. Getting nuclear and other thermal powerplants properly on the line is one part of the solution. Another is the construction of the Alaska pipeline.

The primary reason the pipeline is so urgently needed now is because it will help us to mitigate dependence on imports of oil sooner than anything else we can do.

Being dependent upon imports is a new phenomenon that has come upon us so suddenly that we are experiencing a great deal of difficulty in comprehending the magnitude of the problem and its implications. James E. Akins, writing on the oil crisis in Foreign Affairs magazine, April, 1973, said:

> As late as February, 1970, President Nixon's Task Force on Oil Imports assumed that . . . the United States could remain essentially self-sufficient in oil. It projected a demand in the United States in 1980 of around 18.5 million barrels per day of oil; of this only 5 million barrels per day would need to be imported, and most of this could come from the Western Hemisphere.
>
> These projections were spectacularly wrong. Total imports this very year, 1973, will be well over 6 million barrels per day—substantially above the level the Task Force predicted for 1980.

That was only 3 years ago. Akins goes on to say:

Imports from the Eastern Hemisphere constituted 15 percent of consumption in 1972, and are expected to rise in 1973 to 20 percent of a total consumption that will already be around 17 million barrels.

Today estimates by the State Department predict that by 1980 the United States will consume 24-million barrels of oil a day, of which half will be imported, with about 35 percent of the total consumption coming from the Mideast. There are numerous suggestions today that even these estimates are too conservative, and that the $12 to $15 billion per year trade deficit that such imports would create may be low by a factor of 2.

When we consider the fact that western Europe and Japan also depend upon petroleum from this same exhaustible supply in the politically unstable Middle East, we can begin to comprehend the implication of even the most conservative figure, from a military as well as an economic standpoint. This is, to me, one of the major elements of our energy crisis and one of the most serious problems facing our Nation.

No one pretends that the Alaska pipeline will eliminate our dependence on imports, but within 4 years after the start of construction it will significantly mitigate the problems associated with such dependence.

Of course, much will remain to be done to solve our energy problems even after oil is flowing down from Alaska. We know now that we must undertake a broad range of conservation programs to make maximum use of our energy producing resources. Additionally, new sources of energy must be developed if we are to have any hope of meeting our long-range energy needs. To meet our more immediate energy demands coal gasification and liquefaction facilities must be brought into operation.

There is much more. But building the Alaska pipeline is what we can start today. It is already dangerously late. We should promptly enact this legislation.

Mr. STEIGER of Arizona. Mr. Chairman, the Interior Committee takes a genuine pride in the fact that our disputes are almost always over issues, and the fact that the chairman of the full committee and the chairman of the subcommittee are scrupulous about fairness and equity.

In that spirit of equity, I am going to yield some time to the gentleman from Oregon (Mr. DELLENBACK). I will explain that the reason I am doing this is because I want to give him a chance to overcome the support of the gentleman from Pennsylvania, and make his case on his own merits. Therefore, I yield 3 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I appreciate the always gracious gesture of our colleague from Arizona.

Mr. Chairman, the bill, while basically a good bill while dealing with problems tied to the energy crisis, having many desirable features in it for the protection of the environment, is certainly deficient in three related ways.

One, it stops short proceedings which were already almost completed to test the adequacy of the environmental impact statement. Two, it threatens the future of NEPA itself so far as those impacts are concerned. Three, if the Members look hard at the provisions of this bill versus the law as it exists at the present time, I think they would have to concede that new questions of action are created.

Litigation that was almost completed was in a situation where the parameters were clearly tested as being the impact statement itself. It had gone through the trial level, and the circuit appellate level, and was almost decided there. That is brushed aside, and instead of having litigation that is almost settled, the bill substitutes for it a series of new questions including the question of equal protection of law, the question of due process, and I think raises the question of separation of powers between various branches of the Government.

We are going to propose later this afternoon under the 5-minute rule three particular amendments. One of these is that on page 13, we strike section 202(d). This is the provision in the bill where we seek to determine that there has been satisfactory compliance with the National Environmental Protection Act. The ranking Member has pointed out that with regard to the environmental impact statement there is not a Member of the House who has read it all. There are serious questions of various kinds whether we should step in at this point the way the bill seeks to do.

We would seek to substitute therefor a new section which would make absolutely clear that any litigation of this matter henceforth would be expedited in every conceivable way, in ways that are not already provided for in the bill.

The second amendment would propose in the middle of section 203 to strike the language which is tied to NEPA.

The third amendment is tied very closely to it and strikes subparagraph 203(d), so that all three amendments are tied directly to the question of NEPA.

I hope all the Members listen carefully and understand, whether a Member is one who feels he should protect the environment; or he is one who wants to protect the National Environmental Protection Act; or whether he is one who wants to go right ahead with what is proposed with the trans-Alaska pipeline and do it in the soundest and speediest fashion.

This is the best way to do it, with these particular amendments. Do not be led astray by other issues. We are not talking about trans-Canada; we are not talking about stopping construction. We are talking about the best way to protect the environment at the same time we are making sure that we get this badly needed petroleum resources down here in the lower part of the country where it is so badly needed.

Mr. Chairman, I urge the support of the amendments.

Mr. MELCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Chairman, today we are discussing and voting upon one of the most significant pieces of legislation to come before the House of Representatives for a vote during this session of Congress. The decisions that we make here today will reach far beyond this Chamber and could profoundly affect our way of life. For the decisions we make today will have an impact on important areas such as the environment, our balance-of-payment problems, employment opportunities, international relations, energy supplies, and even our life styles. It is because our decision will touch upon so many and sometimes conflicting areas of concern, that I approach the question of the trans-Alaskan pipeline with great care and concern.

The actual construction of the pipeline has been tied up in the courts for nearly 4 years. The U.S. Court of Appeals recently held that construction of the pipeline could not commence because of a provision in the Mineral Leasing Act of 1920 which restricted right-of-way on Federal land to 25 feet on either side of the pipes. That width was simply too narrow to permit construction of a pipeline 4 feet in diameter that would cross 350 rivers and streams and wind through three mountain ranges. Thus, if the pipeline were to be constructed, Congress had to amend that law to allow a construction permit to be issued which would remove the 25 foot limitation. Now, Congress is faced with the question of whether to amend the Mineral Leasing Act of 1920 and allow the trans-Alaskan pipeline to be built.

In listening to the debate on the merits of the pipeline, I have been concerned about the dogmatic either/or attitude taken by both those who advocate and those who oppose the construction of the pipeline. It has been difficult, therefore, to get a balanced appraisal of the pipeline which takes into consideration all of the surrounding issues, including the gasoline shortage, the balance of payments, the alternative proposal of the Canadian pipeline, and the environmental factors.

It cannot be denied that we are a people whose society runs on oil. We use it in our cars, we use it to heat our homes, we use it to drive our huge, electrical generators, and we use it for many other things as well. The increase to this country of the 2 billion barrels per day of oil, which the Alaskan pipeline would produce, would greatly bolster our diminishing oil reserves. In 1972, for example, crude oil demands in the United States was 11.7 million barrels a day, or 78 percent of the Nation's energy demand. It is expected that by 1985, consumer demand for oil will increase to 20 million barrels per day. Thus, even with the 2 million barrels a day from Alaska, it would amount to less than 10 percent of America's total consumption by the early 1980's.

Nevertheless, the Alaskan oil would have a significant impact on our balance-of-payments deficit. If, for example, Middle Eastern oil cost $5 a barrel in the early 1980's, Alaska's oil could reduce the United States import bill by $3.7 billion a year. It would also reduce our reliance on importing foreign oil and thereby diminish our dependence on the politically sensitive Middle East for meeting our national fuel requirements.

A trans-Alaskan oil pipeline has been a goal of the oil industry since the discovery of huge reserves on Alaska's North Slope in 1968. The construction of the 789 mile pipeline from Prudhoe Bay in the Arctic Circle south to the Pacific Ocean port of Valdez will cost approximately $3.5 billion to construct over a 4 or 5 year period and ultimately produce 2 million barrels a day of crude oil. This will undoubtedly be a significant economic benefit to the Nation and create many jobs.

There are other economic benefits as well which would derive from the construction of the pipeline. Approximately 35 super tankers would shuttle between Alaska's southern shore and the west coast of the United States. This new fleet of tankers would cost approximately $1.6 billion to construct. The oil carried by these tankers would carry 220,000 barrels a day to Puget Sound refineries; 700,000 to refineries in San Francisco, and 1,080,000 to those in Los Angeles, thus stimulating the economy of the oil-related industries.

As much as one would like to believe that construction of the Alaskan pipeline would bring an immediate solution to the energy crisis, it will not be an energy panacea. It is estimated by Alyeska Pipeline Service Co., the consortium of oil companies that would own the pipeline, that it would take at minimum 3 years to build and another 5 to 7 years to attain the desired capacity of 2 million barrels a day. That would mean that it would not be until nearly 1985 that the full benefits of the pipeline would be achieved. Ironically, the year 1985 is the target date set to convert our energy resources from reliance on oil to coal and nuclear power.

Almost from the outset, there has been serious concern by environmentalists to the construction of the pipeline. The environmentalists correctly noted that the National Environmental Policy Act of 1969 required that henceforth major Federal decisions and projects would be accompanied by an impact statement assessing the environmental effects of such projects. Prior to formal Interior Department approval of the pipeline, such a statement was filed, but conservationists taking note of Interior's historical friendliness with the pipeline idea, viewed it with suspicion. Further study of the impact statement convinced them that it suffered from three major inadequacies.

First, is the danger of earthquakes. There was concern that the impact statement did not fully answer the problems raised by the fact that the trans-Alaska route traversed one of the most active earthquake zones in the world, where 23 major earthquakes occurred in the last 70 years. At the onset, few guarantees were made by the oil companies that there would not be major oil spills, polluted streams, or substantially damaged wild-life habitats. Since that time, however, as a result of constructive concerns of environmental groups, the oil companies began to look more critically at the environmental problems and to find technical ways to guard against these dangers.

The second major concern of environmentalists is marine oil spills. With super-tankers going in and out of the Prince William Sound, an area that is difficult to navigate, there was concern that a full assessment of the risk of massive oil spills was not considered. The spill would be much more serious than those which occurred off the coast of Santa Barbara. Moreover, there was fear that the 35 tankers which would be shuttling between Alaska's southern shore and the west coast of the United States might eventually produce an oil spill which would wreck the $418 million fishing industry and pollute the hidden coves of British Columbia.

I commend the Interior Committee for including a provision to H.R. 9130 that would make the oil companies strictly liable for all damage as well as injury resulting in transporting the oil, except those caused by an act of war or by negligence on the part of the U.S. Government.

The third major area of concern over the Interior's environmental impact statement was that in its haste to analyze the Alaskan route, it did not make careful assessment of an alternative route which would have traversed Alaska and Canada and connected with the American Midwest by way of existing facilities in Edmundston. I am most concerned that the legislation presently before us would override the jurisdiction of the National Environmental Policy Act—NEPA. In effect, the trans-Alaskan pipeline bill finds that Congress has already determined that there are no serious environmental dangers. The bill states that the preparation of the environmental impact statement by the Secretary of Interior "shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969."

I am strongly opposed to the breeching of the National Environmental Policy Act. This act sets up a procedure which provides an orderly manner for handling environmental issues. Under this procedure, environmental issues are considered, reviewed by experts, and acted upon on the basis of the environmental impact of the surrounding program or project.

Under NEPA, we assigned to the executive branch of this Government, the responsibility for making the technical evaluations in preparing the impact statements. However, under the proposed legislation, the legislative branch of Government is really making those technical decisions. This implies very strongly that in effect, the members of the House Committee on Interior and Insular Affairs as well as the Congress as a whole, have read the six-volume environmental impact report or the 25 volumes of hearings related to the report, and have heard all the relevant testimony presented in the committee and before the courts. I doubt this occurred.

In addition to overriding NEPA, the proposed legislation has an equally troublesome provision which would disallow the Courts the right to review any aspects of the construction of the trans-Alaskan pipeline on the basis of the National Environmental Policy Act. I am strongly concerned about denying judicial review for two reasons. The first is that it makes a mockery of the orderly process which Congress has established to review those Federal actions which significantly affect the quality of the environment. By enacting the National Environmental Policy Act of 1969, Congress made an historic commitment to preserve the environment and set up procedures to implement this policy. Today, the House of Representatives must decide whether that national commitment will be honored when it matters most, when it is faced with a multi-billion dollar project sponsored by one of the most powerful economic blocks in this country.

In our democracy, the way the decision is made has as much to do with the success in implementing that decision as does the decision itself. We speak of due process of law with the intention of seeing that decisions are reached after orderly review and citizen input. By denying further judicial review of the environmental issues, we are cutting off all recourse for those who may disagree with the decision. On the other hand, if we retain judicial review, we are protecting the integrity of that process; we are saying that we will let everyone be heard who wants to be heard, consistent with established procedure. Once we change that procedure for "a special situation," it will be difficult for citizens to have respect for the decision itself and have integrity in the people who voted to change an essential ingredient of our legal process.

When Congress established NEPA, it stated that those living in and using our environment had a reasonable right to test in the courts the adequacy and validity of the environmental impact statements. We are now establishing an exception to that rule, and setting a precedent for violations in the future. We must ask ourselves, then, if we allow this to happen: What criteria are we establishing by this legislation to set aside further environmental considerations when there is an emergency or special circumstance? Does it mean that whenever there is a multimillion dollar advertising campaign and lobbying effort by big business that we make exceptions to the laws we have made? Is it when we have an energy crisis that we justify setting aside environmental considerations? Or is it when our balance of payments are too high, or our dependence on foreign oil is too great that we must yield?

As the energy crisis progresses, we must realize that we are going to be asked more and more to make further exceptions to NEPA and shortcut the environmental protection standards we ourselves have established under NEPA. The legislation before us is a good test of what we will do in the future. Either we admit we are paying lipservice to NEPA, or we meet the energy crisis without compromising the process which we have drawn to evaluate environmental issues. I believe very strongly we must and can both meet the energy crisis and

protect our environment without violating the integrity of the judicial process.

My second concern for limiting further judicial review of the trans-Alaska pipeline project is based upon constitutional grounds. There have been other situations in which the Congress has attempted to control and limit the scope of judicial review by the Federal courts. Article III, section I of the Constitution provides that "the judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

It has generally been assumed by Congress and by the Supreme Court that the power to create inferior Federal courts implies the power to limit the jurisdiction of those courts. While there is some uncertainty over the limits of congressional power to restrict the jurisdiction of lower Federal courts, case law suggests that the due process clause of the fifth amendment is not one such limitation.

Therefore, this could mean that by trying to prohibit judicial review of the pipeline through legislation, Congress may be inviting the court to declare that provision of the Pipeline Act unconstitutional on the basis of the fifth amendment and thereby only delay eventual judicial review of the project. Ironically, if the act did not preclude judicial review, it is estimated that the courts could consider the environmental issues within about 8 months. This would preserve the integrity of the process under the National Environmental Policy Act as well as provide us with a final determination of the environmental issues in a more timely and certain manner.

It is my firm commitment to the important balance between a rational review of environmental considerations and a prosperous national economy that will force me to vote against the Alaskan pipeline unless full judicial review of environmental issues under NEPA is provided.

This decision is an especially difficult one for me because of my work on H.R. 9130. In committee, I introduced two amendments that substantially broaden the scope of the whole bill.

The first amendment, which was passed unanimously by the committee, requires the Secretary of the Interior to take affirmative action to insure that no person is excluded from receiving or participating in any activity conducted under this act because of race, creed, color, national origin or sex.

The other amendment determines that it is consistent with the public interest to require that articles, materials, and supplies used for the Alaskan pipeline be of American origin. It is my feeling that American business and labor have not received the full monetary benefits available from the pipeline project. My "Buy America" provision would not affect transactions before the date of enactment.

I am convinced the Nation needs the 24 billion barrels of crude oil and the 26 trillion cubic feet of natural gas buried under Alaska's North Slope. The southern California area alone has long been dependent upon natural gas as its principal hydrocarbon energy source for residential, commercial, industrial, and utility generation requirements. The area has never been a direct consumer of coal as has many Eastern States. Indeed, because of southern California's widely recognized problem with smog caused by low air velocities and recurring inversion atmospheric conditions which trap pollutants in the Los Angeles Basin, it has been required to use only low-sulfur oil and natural gas. Therefore, if new supplies of natural gas for southern California were not available, it is estimated by the Southern California Gas Co. that gas service to the electric generation plants will not be possible at all by 1976; service to industrial customers will virtually vanish by 1979; and curtailment of service for the residential and commercial customers will be necessary by 1979.

But the issue we are faced with today here in Congress is not whether Alaskan oil will be brought to the lower 48 States, but how the decision to build the pipeline will be made. The issue is not whether only environmental factors should be taken into account, to the exclusion of all others, but whether those factors should be thoroughly reviewed in accordance with the procedures Congress established in the Environmental Policy Act of 1973. The pipeline will not be the last case where interest groups will pressure Congress for overriding NEPA. What will happen when the oil companies want to develop the oilfields off the coast of Santa Barbara? Do we ignore the law when regional and economic interests cry for haste and environmentalists ask Congress to adhere to the law it established?

I believe we must reaffirm our commitment to the orderly procedures we have established and I strongly urge support for the Dellenback-Dingell amendment which would reinstate the application of NEPA and allow for judicial review.

Mr. Chairman, I would like to take this opportunity while we are discussing the Trans-Alaskan Pipeline Act—H.R. 9130—to outline briefly the intended scope and purpose of the equal employment opportunity provision of the bill which appears at section 203(3), and reads as follows:

> The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under this title. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

In offering this provision by way of an amendment to the bill in committee, I spoke of the need to assure that the body of law, regulation rules and orders of the various departments and agencies of the Federal Government relating to equal employment opportunities be applied to all activities conducted under any permit, right-of-way, public land order or other Federal authorization granted or issued under the subject law.

The genesis of this provision was a letter I received from a minority contractor in Seattle, Wash., who asked whether any provisions had been made to secure the right of minority contractors and minorities generally to participate in the construction of the Alaskan pipeline. I had assumed that since Alyeska Pipeline Service Co., the consortium of oil companies that would own and operate the pipeline, was receiving a right-of-way permit from a Federal Department to operate over public Federal and State lands, it would automatically be subject to the various equal employment opportunity policies of the Federal Government. After examining this issue more closely, I discovered that our affirmative action programs designed to assure equal employment and contracting opportunity in construction work applied only where there was a Government contract or a "federally assisted construction contract." As interpreted by the House Legislative Council's Office, this would not include the situation discussed above where there was only a Federal permit to operate on public lands, and therefore, it could be argued that our Government's equal employment opportunity policies would not apply. It was for these reasons, Mr. Chairman, and for the desire to assure that this major construction project was subject, to the maximum extent possible, to the above described policies, that I offered my amendment when the House Interior Committee was marking-up this bill.

Under my amendment, the Secretary of Interior must take such affirmative action as he deems necessary to achieve the promotion and insuring of equal opportunities for all persons, without regards to race, creed, color, national origin, or sex, in all activities connected with the construction, operation, maintenance and repair of the pipeline, the transportation and shipment of fossil fuel, or other related activity, including but not limited to employment, bidding and awarding of contracts and subcontracts to minority business enterprises to the maximum practicable extent. There are many minorities and minority businesses along the west coast in Los Angeles, San Francisco, Seattle, Anchorage and others who would undoubtedly be more than willing to participate in the Alaskan pipeline project if the opportunity were available to them. It is anticipated, therefore, that Alveska will use its best efforts to utilize these new regional sources of employment and not transport work crews from other areas further away to meet its general manpower needs.

Since under the act, the Secretary of Interior would be directly involved in various aspects of the pipeline's construction and operation, and since his Department has developed and implemented affirmative action programs, it is my belief that the Secretary should be the Government official responsible to develop, implement, and enforce this portion of the Trans-Alaskan Pipeline Act.

through appropriate policies, rules, and regulations.

The term "affirmative action" is intended to include, to the maximum extent possible, the provisions under Executive Order 11246, and the policies, rules, regulations and orders of the various Federal departments and agencies including, but not limited to those relating to equal opportunity in Federal employment with Government contractors or with contractors performing under federally assisted construction contracts; and also to Federal policy and regulations pertaining to Federal procurement programs, including but not limited to Federal procurement regulations relating to utilization of minority business enterprises. Thus, by directing the Secretary of Interior to develop and implement an affirmative action program on the pipeline through the promulgation of rules based upon the above-described Federal policies, the basic purposes of my amendment would be achieved.

The language in the amendment makes clear the fact that the Secretary of Interior shall adopt substantially similar enforcement rules as appear in the various enforcement provisions and rules of agencies and departments relating to title VI of the Civil Rights Act of 1964, including but not limited to those relating to contract compliance. Thus, in developing appropriate sanctions and penalties for noncompliance with the Secretary's affirmative action program and attendant rules, the Secretary shall be guided by the range and nature of the sanction and penalty provisions applicable under title VI of the Civil Rights Act of 1964. Some of the relevant provisions appear at 42 United States Code 2000d–1 and Executive Order No. 11246.

It has been and is the long-standing policy of the U.S. Government to encourage by affirmative action the elimination of discrimination because of race, creed, color, national origin, or sex in Federal employment, employment on work involving Federal financial assistance, in Government contracts. The Government has also recognized this policy in construction work under programs of Federal grants, loans and other forms of financial assistance to State and local governments and to private organizations, recognizing also that they create substantial employment opportunities. Similarly, the construction and operation of the Alaskan Pipeline will create substantial employment opportunities, and it therefore seems desirable and appropriate to extend the existing programs for nondiscrimination and equal employment opportunity to the Alaskan pipeline. In supporting this amendment in the Trans-Alaskan Pipeline Act, we are reaffirming our commitment to this policy and to the American Dream that all Americans, without regard to race, creed, color, national origin, or sex can enjoy and participate equally in the benefits offered by our country.

Mr. STEIGER of Arizona. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I am delighted to rise in support of one of the most important pieces of legislation we have considered this year. H.R. 9130, authorizing the immediate construction of the trans-Alaska pipeline, will materially improve our energy supply picture, the strength of our dollar and our foreign relations by providing a stable new supply of oil to our country.

By allowing the Secretary of the Interior to provide for rights-of-way across public lands which are wider than 50 feet; by authorizing the granting of a permit for construction of the Alaska pipeline without any further environmental studies and without further judicial review; and by requiring a study of the feasibility of a trans-Canadian pipeline to supplement the Alaska route. H.R. 9130 goes a long way to meet the challenge demanded of us by the short energy situation in America.

In 1968, a conservative estimate of 10 billion barrels of oil and 26 trillion cubic feet of natural gas—roughly one-fourth of our domestic reserves—was discovered on the North Slope of Alaska. When I think of my constituents in Oklahoma who had to worry about getting fuel so that they could harvest their crops this summer, it is incredible to think that we are still just talking about how to get this oil down to the lower 48 States.

Mr. Chairman, the controversy surrounding the bill before us today centers mainly on two issues:

Should Congress defer action legislatively on the Alaska route pending further study of a possible alternative route through Canada? Let me ask in return: Can we afford to even consider a possible 10-year delay in getting the North Slope oil? I do not think so. There is a lot of oil in Alaska, probably too much for one pipeline to carry. We will have plenty of time to consider a Canadian supplement line after we get busy on our first requirement—supplying oil to our people in a time when the country is facing a shortage which shows all signs of developing into a national crisis.

Second, should we include the provision in H.R. 9130 which directs the Secretary of the Interior to grant permits based on a congressional finding that the National Environmental Policy Act has been complied with? Personally, I go along with the four judges who have already ruled that the six-volume Environmental Impact Statement prepared by the Department of the Interior after an exhaustive and unprecedented 3-year study complies in every way with the National Environmental Policy Act. This provision is in no way an attempt to weaken that act; Congress is simply exercising its right to make a policy decision based on the extensive work of the Interior Department. I do not believe we need the opinion of one or two or five more judges to substantiate this.

Mr. Chairman, this is not an anti-environment bill; it is certainly not an unconstitutional bill. It is, however, the single most important opportunity we in the Congress have had to make a real contribution to solving the oil and gas supply shortage which has sprung up all over the Nation. I think we have written a good piece of legislation that will serve the Nation well and I urge my colleagues to support immediate construction of the Alaska pipeline by voting for H.R. 9130.

Mr. STEIGER of Arizona. Mr. Chairman. I yield myself such time as is remaining.

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

Mr. STEIGER of Arizona. I am happy to yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Chairman, I appreciate the opportunity to comment briefly regarding H.R. 9130, legislation that would authorize construction of the Alaskan pipeline.

I have been listening with keen interest to the debate conducted by my colleagues regarding this issue and, of course, as a Member of the House Interior Committee, I have had access to quite a bit of material both pro and con regarding this issue.

I have received quite a number of inquiries and correspondence from citizens within my district whose economic livelihood depends upon the decision we make regarding this issue—the farmer, the independent gas and oil producer, and the small businessman whose enterprise depends upon agriculture and the gas and oil industry in Kansas. I have also received many inquiries from citizens who are understandably concerned over the obvious need to protect our environment and from those who think we should proceed with a Canadian route and thereby bring the oil and natural gas to the Midwest where it is urgently needed to meet the increasing demands of our agricultural economy.

Like the farmer who wants the oil and gas to come to the Midwest, like the environmentalist who is concerned over possible oil spills and damage as a result of earthquakes and like the independent producer who is worried oil and gas from the North Slope will go to foreign sources, I wanted answers to these problems. As a result I am a cosponsor of the Udall-Anderson amendment that would call for a 6-month study of the Canadian route prior to congressional action.

It was at that time I made the decision to make a firsthand inspection of the Alaskan pipeline route. I was one of eight Congressmen who inspected the oil facilities at the port city of Valdez, flew over the 789-mile route across the Arctic Circle to Prudhoe Bay on the North Slope.

As a result of this inspection trip and considerable research by my staff relative to the energy needs of my district and those of the Nation, I have concluded this is not an "either/or" issue but rather an issue of "what now and what later". I remain convinced we must expedite the study of the trans-Canadian pipeline project. We will need the natural gas in the Midwest. However, I am now convinced the Alaskan project should proceed without delay.

I remain concerned over the possible environmental damage that could occur but I feel we should proceed with the project so that we can determine the environmental impact as required by the provision that requires the Secretary of the Interior to report every 6 months on

the implementation of environmental stipulations. The Secretary shall also issue a cease and desist order to halt construction if he finds that environmental stipulations have not been met or that significant unforeseen environmental damage has occurred.

We have reached the point in this Nation where we must proceed to find answers to our energy needs. We simply do not have the time to engage in further debate on what may or might happen. It seems to me we must proceed on the best possible course of action.

I feel compelled to add a word of warning to those who do not want either pipeline constructed or, for that matter, any further research, development, and construction to proceed regarding the exploration, access, and distribution of our energy resources. In order to meet and answer our "energy crisis" it is going to take the concerted effort of every citizen in this Nation.

Quite frankly, I do not think folks in this country are going to change their style of living overnight, although in the long term that, too, will be necessary. If we do not proceed and get to the business of providing existing oil and gas reserves by the best means we have at our disposal, even though some risks will have to be taken, this issue is likely to become one of blame and accusation. We have already reached the point where intent and integrity of many interest groups are being questioned. The answer to our energy problems will not come by making these issues a matter of blame and accusation. They will come through compromise and a willingness to work with people.

Mr. Chairman, this legislation calls for a feasibility study regarding the possibility of one or more oil and gas pipelines from the North Slope across Canada. This legislation also includes reporting requirements and cease-and-desist authority regarding possible environmental damage. This legislation also includes an export provision that states any crude oil transported over rights-of-way granted under this act will be subject to the Export Administration Act of 1969 and before any crude oil subject to this section may be exported, the President must publish his finding that such exports are in the national interest. Finally, Congress is given authority to disapprove this funding and halt such exports.

It is my intention to vote for H.R. 9130 and to press for a feasibility study and negotiations with Canada regarding the construction of a Canadian pipeline. It is also my intention to monitor this project to make such appropriate environmental safeguards are maintained and in case of unforeseen environmental damage to support a cease-and-desist order until the protection of the environment can be assured. That is a mighty tall order and it will be an impossible task to bring these oil and gas reserves from the North Slope in such a manner that will please everyone. However, judging from the amount of delay we have already experienced and the long term energy needs of our Nation, I do not think we have any alternative but to get on with the business at hand.

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

Mr. STEIGER of Arizona. I am happy to yield to the distinguished gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I wish to bring the attention of the Members of this distinguished Chamber to the statement I inserted in the CONGRESSIONAL RECORD, Tuesday, July 31, 1973, pages, 27052 through 27054, within which I also included the language of 10 amendments I plan to offer today on the legislation, H.R. 9130, which proposes the approval of construction of the trans-Alaska oil and gas pipeline by a consortium of oil companies and is a bill purposely drafted to amend section 28 of the Mineral Leasing Act of 1920.

Mr. Chairman, the Committee on Rules, according to the July 31, 1973 CONGRESSIONAL RECORD, has granted an open rule providing for 2 hours of debate and making the committee—Interior and Insular Affairs—substitute in order as an original bill for the purpose of amendment to H.R. 9130, and providing for amending S. 1081, the Senate passed version of the trans-Alaska oil and gas pipeline bill.

The House Interior Committee version of H.R. 9130 remains far too broad in my opinion, and that shared by other Members of the House along with numerous conservation, environment, and public interest groups. Likewise, the Senate version, as I noted in my statement in the CONGRESSIONAL RECORD, Tuesday, July 31, 1973, is "somewhat similar, but considerably broader and different."

I have urged on previous occasions to the House Interior Committee, that if the committee was to report any bill on the trans-Alaska oil and gas pipeline, that the bill be limited to an "Alaska-only" bill. As I stated in a letter to the Honorable JOHN MELCHER, chairman, Subcommittee on Public Lands, Committee on Interior and Insular Affairs, July 16, 1973, while the bill, H.R. 9130, was undergoing review in the gentleman's subcommittee, "the bill is far broader than it need be to achieve what we understand to be the announced purpose, namely, to allow construction of the TAPS pipeline across Alaska."

Mr. Chairman, the letter to which I am referring included along with my signature, the signatures of other concerned Members of this Chamber; JOHN P. SAYLOR, MARTHA GRIFFITHS, JOHN E. MOSS, JOSEPH KARTH, SILVIO O. CONTE, HENRY S. REUSS, KEN HECHLER, LES ASPIN and WILLIAM D. FORD.

It was and it remains today, Mr. Chairman, our opinion that the bill, H.R. 9130, is an open-ended invitation for the oil and gas industry, with the help of the industry-dominated Interior Department, to rape the reserved and unreserved public lands and forests, particularly our parks, recreation areas, monuments, and fish and wildlife lands. The gentlewoman and the gentlemen noted with me in a joint statement at that time that we felt certain that the public would object to such a sweeping result if the public was aware of it.

The argument can be made that, yes, the public is aware of it because the public wants the oil and gas pipeline built because that is what the major oil companies have been screaming about for months in full-page, slick, and very expensive newspaper advertisements and likewise expensive, national radio and television commercials. The administration's public statements in support have openly aided and abetted the oil industry's lobbying effort.

But, Mr. Chairman, I question, does the public at large want the pipeline built at the expense of the threatened loss of the publicly owned lands, forests, parks, recreation areas, monuments, fish and wildlife lands, wild and scenic rivers, coastal shores, and the numerous other natural resources that the bills, H.R. 9130 and S. 1081, are, I would state, directed to attain by the construction of the trans-Alaska oil and gas pipeline?

Mr. Chairman, has the public really been heard on this issue?

I make the charge that the oil and gas industry is using the pipeline issue to devastate the forests and public lands of the lower 48 States.

As I stated, the bill is far too broad in its sweeping authority and it is not limied to the Alaska pipeline, but it also applies to the public lands and forest and wildlife reserves in the lower 48 States.

Mr. Chairman, the purpose of my effort today is to seek House approval of amendments which I, and others, believe to be essential to the trans-Alaska oil and gas pipeline bill, H.R. 9130, in order to safeguard the public's interests in its nation and its reserves.

The prime objective of these bills, H.R. 9130 and S. 1081, is to overturn the February 9, 1973, decision by the U.S. Court of Appeals for the District of Columbia (*The Wilderness Society* v. *Morton,* Nos. 72–1796, 72–1797, 72–1798), and their principal impetus is the asserted need to transport oil from the North Slope of Alaska in order to relieve the energy crisis.

I will reiterate that I believe that the fears of an impending energy crisis have been exacerbated and whipped up largely by the oil and gas industry. I question the validity of this energy crisis argument as a basis for the present headlong effort to rush construction of the trans-Alaska pipeline and to leave for more sedate study other alternatives which are certainly feasible. I think it is significant that the report of the Senate Interior and Insular Affairs Committee (S. Rept. 93–207), which carefully analyzed many of the arguments pro and con as between the trans-Alaska and the trans-Canada routes, stated that the committee "did not regard any one of the foregoing arguments or any group of them as conclusive in favor of either of the competing pipeline proposals. In some areas of debate the preponderance of evidence or analysis seems to favor one side or another * * *" page 21, and decided to support the trans-Alaska pipeline primarily "because it would be on stream 2 to 6 years earlier than a comparable overland pipeline across Canada." Page 21.

These bills raise numerous and fundamental issues of national policy to which

I shall advert in a moment. But their most fundamental characteristic is that they are far broader than need be to achieve what we are told is the basic purpose, namely, to allow construction of the trans-Alaska pipeline across Alaska from its North Slope to Valdez in order to permit transportation of oil by tanker from Valdez to domestic markets.

Mr. Chairman, I am ready to discuss some of the specific defects of H.R. 9130 and the amendments I propose to offer.

Mr. STEIGER of Arizona. Mr. Chairman, I consume this time because of my very firm conviction that in the ensuing hours which will follow this general debate we are going to be inundated with invective about equities and precedents and so forth. At least in terms of my own conscience I should like to make sure the record clearly reflects the facts as they are.

Among these facts is that the Alaska pipeline is the only achievable method of bringing out the North Slope oil at this time. That is one. This oil is needed as soon as is feasibly possible.

These facts I do not believe will be debated by anybody.

The question of the Canadian route is an academic question. The bill itself recognizes and calls for a study of that route. So we get down to what appears to be the major issue, as defined by the Dellenback amendment.

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

Mr. STEIGER of Arizona. I yield to the gentleman from Michigan.

Mr. RUPPE. The gentleman as always makes a strong and convincing case, for the prompt delivery of our Alaskan petroleum resources.

The gentleman brought up the fact that there will be a study of the feasibility of one or more oil or gas pipelines from the North Slope through Canada to the United States. My concern is that the study of that additional route, authorized and directed under this bill, be taken as fairly and as objectively as possible. I should like to interject at this point, that this is the reason why I will offer an amendment later to have that study done not by the Secretary of the Interior but by the General Accounting Office.

Mr. STEIGER of Arizona. Mr. Chairman, I am aware of the gentleman's intent to have that study conducted by the GAO, and I will be interested in hearing debate at that time.

Again I wish to remind the Members that the easiest thing to do, as if they did not know, would be to support the Dellenback amendment and appease those environmentalists who are most concerned about this—for some vague reason, I would advise the Members, they are concerned—and then go ahead and vote for the bill. One can thus have the best of both political worlds.

This will simply not be an honest situation, as far as we are concerned.

If we can recognize the necessity for the oil and recognize the acceptability of the route, it seems to me we must then recognize that to adopt the Dellenback amendment or not to accept the amendment as it is in the bill is to knowingly yield to further delay.

It seems to me that we do have a responsibility, as people who do know what the situation is, as people who do recognize that delay is the preordained goal of many people who will file litigation in this matter, and that we have the device whereby we can circumvent that delay for this essential resource to be distributed in this country.

Mr. Chairman, there is no measure that has received as much attention as this that does not have some honest controversy in it. I will tell the Members of the House, and particularly for the RECORD at this point, that I am sure that those who are in attendance here are aware of the depth of the convictions of the proponents on both sides. I am convinced that the Members who are supportive of the language as it is in the bill with regard to limiting the adjudication of the NEPA reports are sincere. I am convinced of their sincerity. I am equally convinced of the absolute sincerity and concern of those who would not abridge in any way the NEPA environmental report structure, no matter how stringent the requirements or no matter how demanding the occasion.

Mr. Chairman, I would urge defeat of the Dellenback amendment.

Mr. MELCHER. Mr. Chairman, I yield such time as he may consume to the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I rise in support of this bill and in opposition to the Dellenback amendment and any other crippling amendments.

We need to move forward as rapidly as reasonably possible to provide this necessary energy resource to the American people.

The United States is now confronted with its most serious energy crisis. It is essential that we do all we can to develop our energy resources. It would be irresponsible, in my opinion, if we failed to develop the resources that exist in Alaska.

According to estimates, total U.S. energy needs will increase 62 percent by 1985. The increase since 1962 for petroleum products alone has been 55 percent. It is estimated that by the year 2000 total energy needs will have increased 166 percent over 1972.

The United States does not have enough developed oil and gas reserves to meet this need, nor have new methods such as nuclear power and solar power yet been developed sufficiently to provide for these needs.

It is becoming more essential than ever before that Government policy encourage full exploration and discovery of all possible energy resources. We are going to need all the domestic petroleum that we can responsibly discover and produce.

It is necessary now that we act swiftly and take advantage of the large discoveries of petroleum on the Alaskan Slope in order that we may provide for some degree of relief from this critical energy situation.

Mr. MELCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING) a member of the committee.

Mr. SEIBERLING. Mr. Chairman, there is no doubt that we are going to get a bill out of this House today, and I think we should.

The question is, are we going to get a bill that will not only expedite the development of North Slope oil in Alaska, but one that we can be proud of and will not be embarrassed by next year or 5 years hence?

There are some features in this bill, in addition to those that have already been debated, that will not only fail to advance those objectives but will slow up progress in the development of this important resource.

One is the provision that would cut off important rights of individuals to bring lawsuits to protect their rights as property owners, where the pipeline right-of-way is involved. This is clearly in violation of the Constitution, and it would spawn a whole host of lawsuits. This will result in more, not less litigation, more, not less delay. I am going to move to strike that section from the bill.

Another defect is that this bill would grant a pipeline monopoly to the major oil companies already on the North Slope. The experience of 50 years has shown that control of a pipeline by an oil company means that it can prevent outsiders from having the use of that pipeline except on exorbitant terms. No other company is going to Alaska and explore for oil and develop the oil resources, unless it has assurance that it can get that oil out. If we really mean to expedite development of Alaskan oil we have to open up that pipeline. Therefore, I will offer an amendment, in effect, to divest the ownership of that line from oil-producing companies so that any company that goes up there and wants to explore for oil will have the assurance that it can get its oil out through the pipeline.

Mr. BELL. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. BELL. The pipeline will be a common carrier, will it not?

Mr. SEIBERLING. Yes. But, experience has shown that the ownership of pipeline companies by an oil producing company has given the owning company, at the very least, a serious cost advantage over nonintegrated companies and, at worst, the power to effectively exclude competitors from using the pipeline.

Mr. MELCHER. Mr. Chairman, I yield the remaining time to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, as a coauthor of H.R. 9130, I want to say that we worked out a very fine bill in the subcommittee and I want to commend the subcommittee chairman for his work, and then, in perfecting the subcommittee amendments in the full committee, I do believe we have put together a very fine piece of legislation.

There has been much said by the proponents as to what the problems are dealing with the Alaskan pipeline. We have had it under consideration in the committee for the last 4 years. The bill now pending before us, H.R. 9130, is a fair

piece of legislation and will help build the Alaska pipeline.

I ask your support.

Mr. RAILSBACK. Mr. Chairman, the legislation which is before us today is certainly a controversial and complex issue. After very carefully studying the situation with regard to a trans-Alaskan or trans-Canadian route, I feel that the following factors must be weighed very carefully in order to determine a pipeline which would best serve our interests. We must consider the possible consequences of exporting oil to Japan, while we are surrounded by an energy crisis ourselves. We must also realize the impact of not having oil delivered directly to the Midwest region, where the oil shortage is most severe. I am of course particularly concerned about this issue as my district lies outside the heart of Chicago. Following my review of this delicate situation, I would like to add my support for the trans-Alaskan pipeline bill, H.R. 9130.

I think it is safe to say that we are all feeling the effects of an oil crisis after suffering from the severe shortages of heating fuel in the winter and now faced with a summertime squeeze on automobile gasoline. We in Congress must begin immediately to find new sources of crude oil. The North Slope of Alaska can provide part of this, and I do support initiatives that call for the completion of a trans-Alaskan pipeline. Further delay in time is most critical if we are to meet our growing demands for oil. A look at statistics will confirm this. Within the last 3 years, the United States has gone from an almost self-sufficiency in oil to an ever increasing dependence on oil imports. By 1980, it is forecast that we will import nearly 50 percent of our oil from the Persian Gulf countries. Thus by increasing our own domestic oil supplies at the earliest date, it would lessen our dependence on foreign sources of oil. This is of utmost importance because an increasing dependence upon other countries could affect our foreign policy and the consequence of dependence would not be healthy.

Another serious point to consider in this area, is our balance of payments and trade deficit. Any product which we can produce domestically is clearly to our advantage in view of outflowing American dollars. The needs of Alaska are also of vital importance and should be considered. We would be improving the Alaskan economy, as their existence depends upon the development of their rich natural resources.

Time being of the essence in this matter supports the Alaskan pipeline. It is expected that delivery of oil to the United States could begin 3 years from date of approval. If this legislation was enacted immediately, we could expect oil in 1976. In fact, every day that we delay the Alaskan pipeline we are adding $6 million to the country's balance-of-payments deficits.

The environmental questions raised are important and they are being answered with positive action. In construction the greater environmental threats are posed at river and stream crossings. While the trans-Alaskan route crosses only one major river, the Yukon, and 25 smaller rivers, there have also been protective devices added. The underground construction for the Alaskan line will serve to protect the wildlife which crosses the vast terrain. The Alaskan Legislature has recently passed a bill which imposes strict liability without regard to fault, for any damage caused by oil spills in the water or on the land. The bill also provides compensation for the loss of subsistence resources resulting from the oil spills on land and water by the native population. I feel that the environmental concern expressed on this matter has been an asset and will result in the safest route of oil transportation in the world.

I feel that now is the time to enact new right-of-way legislation across Alaska. The adoption of H.R. 9130 will serve as one positive step in reducing the energy crisis and will not only improve our domestic situation, but will hopefully enhance the U.S. position in the world market. I urge immediate and favorable action on the bill before us today.

Mr. BROOMFIELD. Mr. Chairman, very few decisions have been more difficult or complex than the one which Congress must make today concerning the Alaskan pipeline. We are confronted with two equally compelling and valid arguments which lead us to distinctly opposite conclusions.

We know that there is an energy crisis. Gasoline is in short supply, threatening the closing of many service stations with most already operating with reduced supplies. Last winter we experienced, for the first time, a real shortage of heating oil and there is every indication that this trend will continue next winter.

The past 3 years of litigation and the unprecedented scope of the environmental impact statement commissioned by the Interior Department which covered six volumes and took 2 years to complete at a cost of $7 million are evidence of the good faith effort to meet the environmental responsibilities of the Alaskan pipeline. The four Federal judges who have ruled upon the impact statement to date have found it to be adequate.

On the other hand, we are aware of the real and potential environmental consequences associated with the construction of this or any other pipeline that is necessary to deliver North Slope oil to the lower 48 States.

After the most careful and deliberate consideration, I intend to cast my vote in favor of the Alaskan pipeline and against those amendments which would further delay the development of the Alaskan oil reserves.

Mr. Chairman, as you may know, I have long warned about the environmental consequences of the Alaskan route. I have been vocal in urging the Secretary of the Interior and all parts involved to give serious study to this problem.

I sincerely wish that we had the time to give even additional study and consideration to this project. We do not have the time. Unless we get the Alaskan oil soon, it is estimated that per gallon costs of gasoline and heating oil will skyrocket, perhaps double in cost.

Without the Alaskan oil, we will be forced to rely even more heavily on foreign imports. That means an increased reliance upon the Middle East. Our country could become susceptible to the most serious forms of pressure and blackmail from the politically unstable and volatile Arabian oil sheikdoms.

In this regard, I hope the President will invoke the discretionary authority in this bill to make certain that North Slope oil is used to meet our domestic needs and that it is not exported to foreign nations.

By passing this bill we can get on with the necessary construction. By no means does this signal an end to the study and resolution of possible ecological problems. Indeed, it is imperative that all parties concerned continue to explore and resolve beyond a shadow of a doubt any new or persisting environmental hurdles. I stand ready to insist upon a dedication to that effort.

In this regard, I would point out the special problem associated with oil spills at sea by tankers. The record of safety here is less than satisfactory and, therefore, deserves strict supervision and monitoring.

All of which brings us to the need for a concerted effort to study and negotiate a trans-Canadian pipeline route. Eventually, it is my hope that a Canadian line would supplant the Alaskan route.

If it were not for the even more serious delays, uncertainties and prolonged negotiations with the Canadian Government associated with this alternative, my decision would be otherwise.

However, the urgency of the present energy shortage and the national interest must in the final analysis dictate our decision. It is for these reasons and those stated above that I am today voting in favor of H.R. 9130.

Mr. CULVER. Mr. Chairman, I believe there has been a growing awareness by many Americans of the limits on the policy alternatives facing our Nation. In no area has this been more true than our use of natural resources. We have gradually recognized that a seemingly abundant and indestructible natural environment is limited and vulnerable. And we have all too abruptly learned that our apparently certain supply of cheap fuel is neither cheap nor certain.

We are thus faced simultaneously with an endangered environment and a growing fuel shortage or, in the language of the headline writers, the environmental crisis and the energy crisis. The bill which we are considering today would authorize the immediate construction of the Alaskan pipeline, a project which has become a symbol for those concerned with both of these crises. To those who are determined to prevent any unnecessary risk to our environment, the Alaskan pipeline symbolizes a major threat. To those whose principal concern is to provide us with additional fuel in the shortest time, the pipeline is an urgent necessity.

Unfortunately, both of these problems will be with us for many years, and it would be foolish for us to attempt a solution to one by ignoring the reality of the other. To a large extent the problems exist today because of a lack of foresight

and planning in the past. For us to make a hasty decision now without a full and balanced appraisal of all the relevant factors would be a continuation of this shortsightedness. We must seek to make an informed judgment on this complex problem by taking account of environmental, economic, and political considerations as well as the need for early delivery of the Alaskan oil. I do not believe we are in a position to make a final judgment at this time.

The two principal routes which have been proposed for delivery of the oil from the Alaskan North Slope to the lower 48 States—the Alaskan and the Canadian routes—have each been challenged by proponents of the other. The Alaskan route, which would transport the oil by pipeline across an earthquake-prone region to Valdez where it would be shipped to west coast ports, may involve unacceptable risks of line rupture or tanker spillage, may not ease the fuel shortage in the Midwest and East, may increase oil price differentials within the United States, and may result in the export to Japan of oil needed here. The Canadian route, which involves constructing a pipeline from the North Slope to connect with an existing one in Edmonton, may involve additional delays, may cost more, may prove to have its own environmental risks, and may result in conflicts with the Canadian Government over construction of the line and use of the oil.

It has been argued that the environmental impact statement on the Alaskan route, filed by the Secretary of the Interior in May 1972, satisfactorily complies with the National Environmental Policy Act—NEPA. The validity of this argument is being appealed in the courts. The bill we are considering, however, declares the pipeline environmentally acceptable and not subject to further judicial review.

It seems clear to me that the logic involved here is faulty. If the pipeline does in fact comply with the provisions of NEPA, there should be no reason to prevent the courts from so determining. If there are doubts, however, about the environmental soundness of the project or the adequacy of the impact statement, we in Congress will not allay them by waiving judicial review. Moreover, such a waiver would establish a dangerous precedent which could destroy the effectiveness of the National Environmental Policy Act, the most important environmental law yet enacted, and could itself be subject to a time-consuming challenge on constitutional grounds. For these reasons I support the amendment offered by Representatives DELLENBACK and DINGELL to strike the provisions declaring that the Interior Department has complied with NEPA and barring further judicial review.

It has further been argued that the chief alternative to the Alaskan pipeline—the Canadian route to Edmonton—is not desired by the Canadian Government or would at least be subject to major delays, higher costs, and a requirement for majority Canadian ownership. Unfortunately this alternative has been inadequately explored, and we have heard conflicting points of view on all of these points. We are being asked to decide between a project that has been reasonably thoroughly studied and one on which we have few hard facts. Since the latter project, the Canadian pipeline, has the potential to bring more oil at lower cost to the fuel-short Midwest and East and to minimize environmental damage, I believe it must be thoroughly considered. Therefore I favor a substitute bill which would direct a comparative study of the Alaskan and Canadian routes and immediate negotiations with the Canadian Government on the availability of right-of-way. This substitute would include a tight, 6-month deadline for the study, and the information provided might well prevent future delays in the construction of the route recommended.

Mr. Chairman, neither the Alaskan nor the Canadian route will be without problems. Whatever our final decision, it will be less than perfect. We need the Alaskan oil, and we need it soon. But we must seek to transport it to the consumers who need it most in a way that will bring a minimum of ecological damage. We do not want to run unnecessary environmental risks because of the need for oil, nor do we want to risk future fuel shortages because of the need to protect the environment. The only way to resolve this apparent conflict in the most rational manner is to have all the facts before us when we make our decision.

Mr. BADILLO. Mr. Chairman, in each session of Congress, one or two issues emerge that are critical to all those concerned with the protection of our environment.

In 1970, it was the vote by which the House refused to consider the proposed Timber Supply Act, a major threat to our forests and woodlands.

In 1971, it was the vote which killed the proposed public subsidy for the civil supersonic transport plane.

Last year, it was the movement to strengthen the water pollution bill.

Today, the House of Representatives considers a key environmental issue in the trans-Alaska pipeline bill. The votes which will develop on amendments to this legislation may well prove to be even more important than the others I have cited.

Were it not for the so-called energy crisis, it might well be that this legislation would have been considered studiously and deliberately, with all alternatives fully weighed and all points of view fairly aired. Unfortunately, the pressure of "big oil" continues to be a major influence upon the legislative process.

In my judgment, the legislation before us has two fatal flaws, and unless both are corrected through amendments, I will vote against the bill.

First, and most serious, is the crippling effect of this bill on the National Environmental Policy Act. That landmark bill, signed into law in 1970, required every Federal agency to submit a statement assessing the environmental impact of any proposed action or project, including alternatives. As the New York Times pointed out editorially last month:

> The National Environmental Policy Act of 1969—NEPA—is perhaps the most important single piece of modern environmental law now on the statute books. That law is under attack in the Senate today. It is imperative that the law not be breached or undermined.
>
> NEPA requires that every Federal agency submit to the President and his Council on Environmental Quality a statement detailing what impact any proposed project would have on the environment. These so-called impact statements have proved to be an immensely important way of educating the public and the bureaucracy itself on how man-made changes can or are likely to affect the nation's land, water, air, scenery, wilderness, animals and other natural resources. Since the statements are subject to review by the courts, they provide ordinary citizens with a powerful lever to make Federal agencies live up to their own professed standards.

H.R. 9130, like its Senate counterpart, circumvents the requirements of NEPA by exempting the trans-Alaska pipeline from further judicial review. In addition, the language in section 202(d) of the bill asserts the finding of Congress that all of the actions taken heretofore by the Secretary of the Interior with respect to the pipeline are to be regarded as satisfactory compliance with NEPA. Not only is there no basis for making such a judgment, but the finding represents a dangerous precedent that could serve to undermine completely the NEPA.

The administration itself recognized this when Interior Under Secretary Whitaker told the Subcommittee on Public Lands last April 18:

> We are not recommending to Congress that Congress override the National Environmental Policy Act . . . When you get into a position where you make an exception for this or for that, you start to erode the very authority of the Act.

As Business Week magazine pointed out in a July 28 editorial:

> Exempting the pipeline from NEPA would set a dangerous precedent. Other agencies will be tempted to seek exemption for their pet projects and the NEPA could become just another piece of paper.

The second major flaw in this bill is the fact that it comes to us in the absence of any real exploration of routing the proposed pipeline across Canada. I know of no Member of Congress who does not believe that North Slope oil fields should and must be tapped. Even if the "energy crisis" should prove to have been manufactured by the major oil companies, the fact remains that this Nation is increasingly dependent upon oil and its byproducts, and that we are becoming frighteningly dependent on oil supplies from the Middle East. Development of domestic oil resources is essential.

But to maintain that the trans-Alaska pipeline is the best or the only route by which to transmit oil from the North Slope is, in my view, unsupportable. I just cannot see the logic of building an Alaska pipeline whose ultimate market is the west coast or possibly Japan, when we know that in the coming decade the United States east of the Rockies will be 50 percent dependent upon foreign oil, most of it from the Arab States.

The alternative Canadian route would have major environmental advantages.

Being entirely an overland route, it avoids hazardous transport of oil in tankers along the northwestern coast. It does not cross dangerous earthquake zones. And it could be built within a common corridor with the proposed gas pipeline that will carry natural gas across Canada.

Aside from the obvious environmental advantages, however, the trans-Canada route offers real economc benefits—and to the entire Nation, not just to one region. It would supply oil to the west coast, but it would also supply oil to the Midwest and the East, where all expert testimony indicates the needs are greatest.

Let me reiterate my strong feeling that the resources of Alaska's North Slope be developed. That oil is needed—regardless of the oil industry's role in the current shortage—and we must move decisively to end our dependence upon foreign oil.

But to those who insist that passage of this legislation, in its present form, is necessary to alleviate the fuel crisis, I would recommend that they move instead to promote passage of legislation authorizing a mandatory petroleum allocation program, such as was approved by the Senate yesterday. The voluntary fuel allocation program has proved a disaster because the oil companies simply are not cooperating. We have an immediate fuel crisis, particularly with regard to fuel needed for the fall harvest in the farm States, and in terms of heating oil needs next winter. Let us put first things first.

Mr. LEGGETT. Mr. Chairman, as all of us know, any discussion of the trans-Alaska pipeline involves much more than the simple question of the best way to deliver the valuable Alaskan oil reserves from the North Slope to the continental United States. In addition to environmental concerns, the trans-Alaska pipeline raises serious economic, national security, and constitutional questions.

Over the last year, this Nation has learned a costly, but nevertheless valuable lesson—we do not have an indefatigable supply of oil and gas. At the present time, this country is caught in the midst of its first energy crisis. For the first time in our history, we do not have enough oil and gas to go around for all those who want to consume it. While we have been assured by the oil experts that this shortage is only temporary, it is clear that, at present consumption rates, the United States will continue to demand more domestic oil and gas than is readily available.

The United States is currently consuming 14.8 million barrels of oil a day. Unless we can extract the Alaskan reserves relatively quickly, and unless we discover other large domestic oil reserves, it is clear that a greater and greater percentage of this massive daily consumption will be supplied by foreign sources.

Since 1960, the Nation's volume of petroleum imports has increased more than threefold, and now amounts to more than 35 percent of our domestic requirements. It has been estimated that this figure will rise to 50 percent by 1980. This situation is serious, yes, but we had better be very cautious how we react to it lest we create more problems than we solve.

I do think that the Committee on Interior and Insular Affairs has done a very scholarly job on H.R. 9130, and deserves the support of the entire House. Many of us were concerned, when the pipeline was first proposed, about the seemingly insurmountable environmental hazards inherent in laying an 800-mile pipeline through the heart of Alaska. I am convinced now, however, that most of these hazards have been substantially mitigated.

It has been argued that while we need the North Slope oil, there are more environmentally sound routes for its delivery than the trans-Alaska pipeline. Frankly, I am not convinced that this is so. We have heard a lot of talk about the Canadian alternative, but this route does not appear to be any less hazardous than the Alaska approach. The Mackenzie Valley pipeline would be 400 miles longer than the Alaskan route. Like the trans-Alaska pipeline, it too would disrupt hundreds of miles of wilderness, cross major earthquake zones, and large rivers, and proceed over large sections of permafrost.

This is not to say that a safe Canadian pipeline could not be built through Canada, only that this route does not appear to offer a clear environmental alternative to the Alaska pipeline. There are still other environmental reasons for going ahead with the Alaska pipeline.

The Alaska pipeline will direct the major portion of the North Slope reserves to the west coast. This distribution pattern makes sense for a couple of reasons. First, the west coast's demand for oil will almost certainly exceed even the 2-million-barrels-a-day supply of the North Slope in a very few years. Without this supply, the Western portion of the United States may suffer severe oil and gas shortages.

Second, the west coast, and California in particular, needs the low-sulfur crude oil that will come from the North Slope's wells. California's own reserves are extremely high in sulfur content, and the burning of these high-sulfur fuels will only exacerbate California's serious air pollution problem. Southern California has one of the worst air quality problems in the Nation. It is extremely important that a stable supply of low-sulfur crude oil continue for California in order to prevent a deterioration of the air quality in the Nation's most populous State.

While I do support H.R. 9130, I also intend to support the Dellenback-Dingell amendment to strike from the bill the provisions which declare that the Interior Department has complied with the requirements of the NEPA and bar further judicial review of the Alaska pipeline under NEPA. We do need the Alaskan oil, but I don't think we should attempt to get it at the expense of the National Environmental Policy Act, and the doctrine of judicial review.

The National Environmental Policy Act has proven to be an important and effective piece of legislation. By requiring environmental impact statements on all projects licensed by the Federal Government, it has successfully forced Federal agencies to weigh environmental concerns along with all other factors in the early consideration of any single action. It would be unfortunate, after the tremendous success of NEPA, to have it breached in this instance.

The trans-Alaska pipeline, constructed properly, could be a fantastic boon to the economy of this Nation. At the same time, a break in the pipeline could destroy some of the most virgin wilderness on earth. For this reason, it is imperative that the courts have an opportunity to fully, and completely, review the environmental impact statement filed for the pipeline. This is the least we can do.

It will be argued here, of course, that this amendment is merely a stalling tactic. Quite the contrary. There is a distinct possibility that H.R. 9130 would be stalled in the courts longer with the NEPA override, than without it. Although the bill seeks to block any further litigation in connection with the proposed trans-Alaskan route, it cannot and does not do so. By overriding NEPA, this bill may in fact raise a whole new series of potential grounds for litigation.

I support the Alaskan pipeline, but in light of the serious environmental questions inherent in this route, it is incumbent upon us to allow the courts to proceed with their review of the environmental impact statement issued for the pipeline.

Mr. HARRINGTON. Mr. Chairman, I rise in opposition to H.R. 9130, which would authorize construction of a pipeline across the State of Alaska. Two major concerns lead me to do so. It seems to me that a decision to waive the rigorous review standards of the National Environmental Protection Act would be shortsighted and sure to set a regrettable precedent. And I am doubtful that any body of the Federal Government has done a truly comprehensive study of the trans-Alaskan passage and its possible Canadian alternative, in terms of economic costs, environmental costs, and the energy shortage.

Because I have these reservations about the bill, I will support two amendments scheduled to be offered this afternoon. The first would remove the wording in the bill which now permits a waiver of NEPA review requirements, and the second authorizes a short postponement in approving pipeline construction while an immediate 5-month study is made of the two possible routes. Unless the bill is modified in these two essential respects, it will not, in my judgment, effectively serve the needs of the American public.

The provisions of NEPA requiring a comprehensive environmental impact study were intended to permit full judicial review of any challenges to the findings of those studies. In the case of the trans-Alaskan pipeline, this judicial review of the study's environmental merits was cut short by a technicality—the large pipes to be used exceeded the width limitation contained in a law passed 53 years ago. This bill before us resolves the technical restrictions, but also makes the convenient but unsubstantiated declara-

tion that the requirements of NEPA have been satisfactorily fulfilled.

I understand the sense of urgency which causes the Congress to be impatient to develop Alaskan oil; this Nation's need for energy from domestic sources is undeniable. But this particular dilemma is not an isolated case.

In the last decade, environmentalists have made a strong case for placing their concerns high on the list of attainments needed to insure social justice; with a lot of help from passing time, they have demonstrated that the slighting of environmental values violates the air we breathe, poisons the water we drink, and defiles the land on which we live. And they have pointed to the ravages of these factors on our cities to emphasize that the poorer people are, the higher the environmental penalties they pay.

As we succeed in truly understanding the processes of the environment, we can expect more conflicts between the demand for energy and the preservation of our surroundings.

The keystone of the environmental movement's strength is the National Environmental Protection Act and its provision for environmental impact studies. If we set a precedent for sweeping aside the step-by-step review required by that provision, how will we hold the line on the construction of a damaging nuclear powerplant? On strip mining? On burning coal before we remove its polluting qualities? On drilling for offshore oil? We are handing the giant oil, gas, and coal companies the sort of opening they excel in exploiting. They have already spent millions of dollars stressing the absolute urgency of the energy shortage, while darkly suggesting that they will not act to produce the fuel to relieve the shortage unless given more profit. It seems to me that we are providing them with a tactic for future exploitation of the environment: They can now spend millions crying "Emergency" as a prelude to proposing the waiving of environmental impact studies on all types of energy development.

I am aware that the energy problem will be with us a long time, and will worsen. But I also know that environmental problems will be just as persistent. It appears to me that we cannot responsibly save a few years in alleviating the first problem at the cost of aggravating the second. Government must be made to serve both needs.

Because of my concerns in these areas, I favor adoption of an amendment striking from the bill the declaration that the environmental impact study requirement has been met and that therefore further judicial review is prohibited.

The comparative virtues of the trans-Alaskan route and the proposed Canadian alternative—in their energy, economic and environmental dimensions—have also made me doubtful about our eagerness in forging ahead with the first route.

The energy questions are especially troubling for my constituents in Massachusetts. The simple fact is, every barrel of Alaskan oil shipped across Alaska and then down the west coast will go to satisfying west coast energy needs; none will come to New England or even as far as the Midwest. My reservations are not based on provincialism, however, but on equity and fairness. For years, New England has suffered more than other regions because of our greater dependence on foreign fuel; the oil import quota program penalized New Englanders while it prevented competition for oil companies. Meanwhile, these oil firms slighted the New England market because of transportation distances, resulting in serious heating oil shortages.

It makes sense to me, therefore, to target Alaskan oil to New England and the Midwest, where the effects of past policies have been most severe and where a result has been the biggest fuel oil shortages in the Nation. Instead, we are being asked to approve the trans-Alaskan route and forego any direct benefits from Alaska oil. An alternative pipeline through Canada, in contrast, would bring Alaskan oil down to the Midwest and directly by pipeline to Buffalo, N.Y., where presently existing pipelines already branch off to New England.

The economic considerations are related. The price of oil is already 90 cents a barrel higher for New England and the Midwest, compared to the west coast. The trans-Alaskan and Pacific Ocean passage would bring more oil to the west coast, alleviate the pressures in prices there, and thus would likely expand the price differentials between that area and the rest of the Nation east of the Rockies. The trans-Canadian alternative, on the other hand, would tend to equalize the pressures on the price of oil by equalizing the supplies available to each region.

Environmentally, the Alaskan route has two big drawbacks: two-thirds of the pipeline would pass through the part of Alaska which is one of the most active earthquake zones in the world; and the sea voyage down the west coast to Seattle—1,200 miles—and San Francisco—2,000 miles—presents a threat of countless oil spills. The Canadian alternative avoids the earthquake zone and any shipment by sea.

For these environmental, economic, and energy-related reasons, I favor a second amendment to this bill authorizing a study of the two possible pipeline routes. The study would be completed within 5 months—by January 1, 1974—at which time Congress would have to decide on the preferable passage. Given the magnitude of the issues at stake here, Congress must steel itself to weigh all the critical arguments before going ahead. It seems to me that this amendment offers the best balance between promptness and prudence, and I urge its adoption.

Mr. PODELL. Mr. Chairman, I rise in support of H.R. 9130, to authorize construction of the trans-Alaska pipeline system.

In the past few days, I have been literally inundated by information on the Alaska pipeline and its alternatives from both sides of the issue. I feel that we should not delay any longer in getting this project underway. I am aware of the environmental considerations involved, and I am equally aware of this country's need for new, reliable sources of energy. In the final analysis I feel that we must get construction of TAPS underway as soon as possible.

While the 2 million barrels a day which the Prudhoe Bay fields would produce at their peak does not seem to be much in comparison to overall U.S. oil consumption, it is still a resource which we cannot afford to ignore. It is a reliable source of supply at a time when we are every day more subject to political blackmail by the Middle East oil producing nations.

The risks of dealing too much with the Middle East extend far beyond the danger to our ties to Israel. The oil producing nations there literally are taking in more revenue than they know what to do with. Saudi Arabia, for example, currently has some $3 billion in foreign currency reserves. At a time when the American dollar is under attack on the European money markets, it would be most unwise to perpetuate a system in which the drain on the dollar continues.

It would be foolish to say that we should become independent of Middle Eastern oil. Given the current energy needs of the United States, and the projected needs for oil and gas through the end of this century, we will always have to purchase some of our supply from Saudia Arabia and the Persian Gulf sheikhdoms. However, we should do all that we can to minimize our requirements of supplies from this source. A two-fold program of strong energy conservation measures and development of the Prudhoe Bay fields will certainly help.

I am aware than an alternative route to the trans-Alaska pipeline has been proposed to run through the Mackenzie Valley in Canada. I could not support the switch from an Alaskan to a Canadian route, because it would mean even more delay in getting the oil to where it is needed. All the work that has already been done on the Alaska line would have to be repeated for the Canadian system. The cost of the Alaskan line would be billions less than would the Canadian line. The Alaskan project would generate thousands of new jobs and millions of dollars in revenue for the State of Alaska, whereas if the line were routed through Canada, the short-range economic benefits which the United States would realize would disappear.

I must admit I am not much swayed by the "national security" arguments made by the State Department. Canada is our closest neighbor and ally, and we do her a grave disservice to suggest she would ever blackmail us by closing a pipeline. But from the standpoints of time and cost, I would have to find the Alaskan line the preferred alternative.

There still remains the problem of the environmental effects of TAPS. Pipelines constructed with identical technology and materials have successfully withstood the shock of earthquakes in California. I fully believe that the Alaskan pipeline will be built with the same safeguards. I think that the question of damage to the permafrost layer of the tundra is much more serious, since we simply do not know how gravely, if at all, the heat generated by the pipeline will affect the surrounding environment.

Because of this, I intend to support the

amendment proposed by the gentleman from Oregon, which would strike the waiver of the National Environmental Policy Act. When this legislation was before the Senate, such a waiver was unfortunately adopted over the vigorous protests of Senator HENRY JACKSON, of Washington, who was the chief author of NEPA. It is interesting to note that the distinguished Senator was the leader of the fight for the Alaska pipeline. Apparently he felt that we could have our pipeline and compliance with the requirements of NEPA as well.

The ramifications of waiving NEPA are great. To begin with, such an action raises serious questions of legality. It puts the Congress in the place of the courts of the United States, in deciding what does and does not comply with the law. Frankly we are not in a position to make such a decision, because most of us have not read one word of the six tremendous volumes of the environmental impact statement.

We should not destroy the effectiveness of NEPA just as we are beginning to make headway in cleaning up the environment. To bring the matter home, New York Harbor for the first time in many years has become clean enough to support fresh-water fish. If we eviscerate NEPA by this waiver provision, I fear for the future of New York, for any project which may be environmentally damaging can be approved by congressional fiat without facing judicial scrutiny.

I think that we can have both the pipeline and a clean environment. I want to see work on the pipeline begun as soon as humanly possible, for we needed the oil in Prudhoe Bay yesterday. But I do not want to see Prudhoe Bay tapped at the risk of destroying not only the environment of Alaska, but perhaps ultimately of the entire Nation.

I support the trans-Alaska pipeline system, but I realize that we need more than this project to ease the energy crisis. We need a commitment by this body to the principles of conservation of our resources. We cannot open up the Prudhoe Bay fields without realizing that it is merely a short-range answer. We must look to the future, to the day when Prudhoe Bay is tapped out. For that day will certainly come, and then where will we turn? Back to the Middle East? To South America?

We should not rush into approving TAPS without keeping in our minds the realization that, more than anything else, the United States needs a coherent, long-range policy on the development and utilization of our energy resources. While we are working on bringing the oil down from Alaska, we should also be working on developing shale oil, coal gasification, nuclear and solar energy, and whatever alternatives seem feasible. We should develop a system of incentives for recycling and conservation. We cannot proceed unless we have it firmly in mind that TAPS is only a small part of a larger system of energy supply and use. To merely strike out blindly in the dark and then retreat until the next crisis would be in the worst interests of the future of this Nation.

It is with these reservations that I shall cast my vote for H.R. 9130.

Mr. FRASER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK). The National Environmental Policy Act—NEPA—is probably the single most important environmental law yet enacted. To exempt the trans-Alaska pipeline from meeting its requirements, would be a subversion of the environmental values we have succeeded in establishing in this country in the last decade.

NEPA, as you know, requires consideration of alternatives to a major Federal action affecting the environment, before that action is taken and while alternative solutions are still available. One of the issues that would be settled in court review under NEPA is whether the Secretary of the Interior has fulfilled the act's requirements and has given objective consideration to the alternative of a common corridor across Canada for an oil and gas pipeline. If, in fact, as the administration maintains, this alternative has been given fair and full consideration, the administration will win in the courts.

I, for one, do not believe that the Canadian alternative has been given fair and full consideration. Rather, the Canadian alternative has been swept aside on grounds of "national interest" and "national security"—the blanket justification resorted to by this administration when other reasons fail.

Members are being asked to give rubber stamp approval to the Interior Department's environmental impact statement. Who in this House has read this document?

The Canadian Energy Minister, Mr. Macdonald, commented on treatment of the Canadian alternative in Interior's impact statement. He wrote to Secretary Morton, on May 4, 1972, a week before the administration decided to issue a permit for the trans-Alaskan pipeline, that discussion of the Canadian alternative in the statement was "based on data in the public sector, some of which have become out of date and very little of which was produced in the last 2 years." He further remarked that the Interior statement had not considered Canadian Government studies and 30 other environmental and social studies. I quote from Mr. Macdonald's letter:

> We are of the view that your consideration of the Canadian alternative could benefit substantially from a knowledge of the work which has been done by both industry and government and which is to be completed this year. A result of detailed consideration would lead, in our view, to an improved appreciation of the advantages in an environmental sense of the Canadian alternative.

One of the "significant new factors" mentioned by the Canadian Energy Minister was a Canadian decision, announced by their Prime Minister on April 28, 1972, to begin construction of an all-weather highway between Fort Simpson and Invik in the Northwestern Territories. Construction of this highway would unquestionably facilitate pipeline construction.

Whether administration bias against a Canadian route has precluded adequate assessment of this alternative would receive objective consideration in the courts. To eliminate this necessary court review would be bowing to powerful special interest groups, whose interests are their own and not those of the Nation as a whole.

I urge Members to vote for the Dellenback amendment.

Mr. FRENZEL. Mr. Chairman, the pipeline bill, H.R. 9130, before us today is deservedly getting plenty of debate. For my part, I simply want to comment on the most important issues that I see in this bill.

First, of tremendous importance is the need to make sure the energy resources of Alaska's northern slope are made available to citizens of the United States as soon as possible, consistent with reasonable environmental standards.

Obviously we are short of oil. Because of regional and environmental considerations my first choice would be for a trans-Canadian pipeline, and I shall vote for studies, like that proposed in the Ruppe Amendment, which would keep this possibility alive. Nevertheless, I cannot fail to vote for the Alaska pipeline, unless major environmental considerations are disregarded.

We need the oil. My State, particularly, has been hard hit both by fuel shortages this winter and gasoline shortages this summer. We expect real emergencies this fall when agricultural usage of butane will exceed supply. We expect worse shortages of fuel oil for home heating uses and diesel oil for transportation uses this winter. We need the Alaskan oil as soon as possible to relieve our shortages.

Next, of equal importance is the need to consider carefully environmental considerations. NEPA must be preserved. For this reason I strongly support the Dellenback amendment of which I am a cosponsor. In addition to preserving environmental needs, I believe also that that will bring us an active pipeline sooner than the committee provision. The committee version seems to me to beg more litigation than the Dellenback proposal, and lacks the court priority feature.

I have spoken often on the floor of this House to preserve NEPA. Specifically I recall the debate on the Federal Highway Act of 1972 and the Water Pollution Control Act of 1972. The Congress has never yet overridden a NEPA provision. In my judgment, this has been wise. I shall support other amendments which seek to preserve environmental standards.

There will be many other amendments today. Many of these I shall support as useful environmental protections. Nevertheless, I do not discount the need for the passage of the bill, and do intend to support it.

Mr. CLANCY. Mr. Chairman, I rise in support of H.R. 9130, the trans-Alaska pipeline system authorization, often referred to as TAPS.

It is time that we in Congress act on this measure and authorize the construction of the pipeline which would transport petroleum from the 10-billion-barrel

field on the North Slope, across Alaska to the tankers at Valdez.

The main objection persisting is that of the environmentalists who argue that earthquakes will break the line and spill oil over the tundra; or that the warm line will thaw through the permafrost, destroying the strata beneath and spewing crude over the landscape; or, as more recently and emotionally espoused in posters, that the pipeline will break up the migration of caribou, contributing to their destruction, slaughter and extinction.

It is past time to consider these ecological positions because they have been considered already—and thoroughly, as part of a six-volume impact report filed more than a year ago to satisfy provisions of the National Environmental Policy Act. The report stated that the environment would not be destroyed and Interior Secretary Rogers C. B. Morton issued the permits to go ahead on TAPS. While those permits are blocked again today by the environmentalists, this legislation before us contains provisions to insure ecological protections even as the pipeline is constructed. The bill requires the Secretary to report annually to Congress on the safety and environmental requirements. It requires him to report semiannually to the House and Senate Interior Committees on the progress of construction and implementation of environmental stipulations. If he finds that the environment is suffering because of construction, he is directed to order a halt to construction.

Also, it is past time to consider withholding action on this measure until a study can be made for a trans-Canadian pipeline. The problems with a trans-Alaskan pipeline are virtually the same as those encountered by a trans-Canadian pipeline, excepting that the latter would have to traverse a much greater distance, requiring more time and maintenance, and would be subject to some controls and restrictions by another nation, albeit our friendly neighbor, Canada.

The arguments have been dealt with. Now is the time to act. This huge oilfield was discovered 5 years ago, but, as yet, is untapped, although across the land there is a cry of petroleum product shortages.

It has been estimated that the first barrel of oil out of a trans-Canadian pipeline would not come into the United States before 1980. We need the oil now. With the trans-Alaskan pipeline system, we can have the first oil from the North Slope by 1976. Congress should authorize TAPS now.

Mrs. COLLINS of Illinois. Mr. Chairman, the precedent set by the overriding of NEPA, in the case of the Alaska pipeline, and its implications relating to the environment, are apparent. They are of grave concern to me. However, I would like to bypass those aspects of the problem to which my colleagues have already addressed themselves. I feel that exploration of the Canadian alternative is also a matter deserving attention.

In his testimony before the Subcommittee on Public Land, Mr. ASPIN has produced some alarming statistics regarding the future oil situation in the Midwest and east coast. According to his projections, Midwestern States may be importing 43 percent of their oil by 1980 and the east coast would be forced to import 86 percent. A majority of this oil—56 percent of the oil used in the East—would be imported from the volatile states of the Middle East. Arab States would then, by virtue of their control of the fuel supply to the area east of the Rocky Mountains, have the United States in a stranglehold.

The Alaska pipeline would do little to alleviate this situation. The west coast, it is true, would no longer need to import oil. In fact, by 1980, a 200,000-barrel-a-day surplus is predicted. It is already being speculated that this oil would be exported to Japan.

It would be ludicrous to import oil on one coast while exporting it on the other. While Chicago and New York run dry, California may slide off the continent on a gigantic oil slick.

The Canadian alternative route through the Mackenzie Valley, on the other hand, would bring crude oil directly to America's heartland, where it is most needed: the most difficult place to transport oil to, and the place from which American oil can most readily be transported. Such a line would reduce imports needed by these areas to a more manageable quantity.

The Canadian alternative should be considered in the light of the economic situation of the Midwestern States, as well as reasons of national efficiency.

In Chicago, particularly in my district, unemployment is a continuing problem. Admittedly, actual construction of the pipeline and operation of the refineries would provide few permanent jobs. But oil coming directly into the Midwest would promote the development of business and industry that is now discouraged by the vital question of whether or not there will be a reliable source of fuel with which to run machines and heat buildings.

Economic stagnation is not the only result of the fuel shortage. Last winter southern Illinois children were victims when schools were forced to close for lack of fuel. Are our hospitals the next to fall prey to hasty decisions?

Current explorations in Alberta and other reaches of northern Canada may well turn up fields capable of supplying even greater portions of the American oil market. In the past, Canadians have been willing to sell us their surplus oil. Future returns on the Canadian route then, promises to be of even greater value to the fuel-starved Midwest.

Certainly this alternative must be explored thoroughly before its rejection—or acceptance.

Mr. HOGAN. Mr. Chairman, I would like to express my strong support of the amendment offered by the gentleman from Massachusetts (Mr. CRONIN) to prohibit the use of foreign labor for construction, operation, and maintenance of the Alaska pipeline.

The amendment specifically prohibits the Secretary of Labor from issuing any short-term labor clearances to foreign nationals for construction, operation, and maintenance of the trans-Alaskan pipeline when unemployment in the United States is 4.5 percent or above.

It is well to remember that the proximity of the pipeline to Canada and its relative isolation from the rest of the United States, plus the fact that Canadian labor is generally lower priced, makes the use of workers from Canada very attractive.

However, when we look at the number of jobs involved with the construction of the pipeline we can see that the use of American workers could significantly contribute to the reduction of unemployment in this country. At a time when, despite a booming economy, unemployment continues to run at or near the 5-percent level, a guarantee that these jobs would go to American workers seems only reasonable.

It is estimated that initial construction of the pipeline will generate 10,000 jobs; this number will increase to as many as 25,000 at the peak of construction activity. After the pipeline is completed it is estimated that 3,000 people will be required for its operation and maintenance.

Approval of this amendment will not only insure that these jobs go to Americans, but it will also insure that the income from the pipeline will be absorbed by the U.S. economy rather than that of Canada or any other country.

To insure that these jobs go to Americans and that the income is absorbed by the American economy, I wholeheartedly support this amendment and urge my colleagues to approve it as part of this bill.

Mr. DELLUMS. Mr. Chairman, I would like to reaffirm my longstanding opposition to the construction of an Alaskan pipeline. In terms of both its environmental hazards and its inability to get fuel to the areas of our country most in need, I find this proposed method of transporting fuel from Alaska's North Slope wholly unsatisfactory.

Even if we accept the urgent pleas of the large oil interests who would have us believe that fuel supplies have been exhausted—and I suggest to my colleagues that this is a claim which deserves our careful scrutiny—do we not have a responsibility to our midwestern and eastern populations who have suffered severely from fuel shortages, and to our Canadian neighbors and U.S. coastal residents who have endured oil spills and marine pollution from tankers, to make a complete and intelligent evaluation of all possible alternatives for oil transport?

I ask you then, to consider the wisdom of passing a bill which grants expedient rights of way to the very companies that own 95 percent of the oil on the North Slope and who stand to substantially increase their already enormous, tax-free profits when construction of the proposed pipeline is completed. These companies, mind you, have profited to the tune of millions of dollars despite our "fuel crisis" and have not taken the initiative or used their vast resources adequately to

explore alternative means of oil supply and production.

I ask you how responsible it is to approve a bill which only narrowly passed the Interior Committee and which is based on an environmental impact study we have not seen and which was not supplemented with adequate testimony while in committee.

I do support the substitute bill offered by my colleague from Arizona (Mr. UDALL) which provides a rational means of reaching a decision based on facts which are complete and unbiased. This proposal guarantees the oil companies an answer within 6 months, and gives Congress and the Department of Interior the time needed to secure a route which best serves the needs of all citizens of our country.

I have cosponsored the amendment offered by my distinguished colleague from Rhode Island (Mr. TIERNAN) in the hope that at the very least we may secure some kind of environmental safeguard from the oil companies who will be operating and utilizing the pipeline. By establishing an oil company trust fund under the direction of the Secretary of the Treasury, we make provision for financial responsibility in the event of any environmental damage. It is imperative that we improve this regulation before rights of way and waiver of judicial review are granted.

Again, I raise the question of scare tactics being employed by the fervent backers of this bill. We must not be intimidated by such ploys. I urge my colleagues to defeat this dangerous and hastily contrived measure.

Mr. DORN. Mr. Chairman, I fully support immediate construction of the Alaska pipeline and urge the House to protect our pipeline bill against any amendments that would delay construction.

Mr. Chairman, our national fuel shortage becomes more critical with each passing week. Without sufficient fuel oil and electricity, next winter could be disastrous. Already some of our schools have reported that they cannot be assured heating oil supplies for the coming school year. Some of our great cities cannot find bidders to meet their fuel needs. Hospitals will find their fuel and electricity requirements jeopardized. Long established businesses are shut down because they can no longer secure gasoline to sell their customers. This Congress can no longer sit idly by while injunctions, law suits, and red tape hold up desperately needed power generating facilities—nuclear and hydro. It is urgent that a crash program be expedited; whatever it takes must be done to assure the energy so essential to national security, economic progress and environmental improvement.

Without sufficient fuel supplies for agriculture the food shortage will become more severe and the stability of the dollar will be further threatened. National security requires the quickest possible delivery of Alaska oil to the lower 48 States, and the bill now before us will permit the beginning of construction. We must accelerate the development of offshore deep-water loading docks that can accommodate giant oil tankers. National security demands continued development of nuclear power sources, as our national electricity requirements could double in the next 5 years. Mr. Speaker this trans-Alaska pipeline bill is pro-environment, and pro-progress and vital for national security. I urge its overwhelming approval.

Mr. DRINAN. Mr. Chairman, I am greatly troubled by H.R. 9130, the Alaska pipeline bill. The bill was prompted by the decision of the U.S. Circuit Court of Appeals for the District of Columbia in Wilderness Society et al. against Morton that the Mineral Leasing Act of 1920 did not allow the Secretary of the Interior to grant a right-of-way that would be wide enough to build the trans-Alaska pipeline. The court stated that if the Secretary of the Interior needed authorization to grant rights-of-way wider than those permitted by the Mineral Leasing Act, he must seek that authorization from the Congress and not from the courts.

While I do not object to title I of this bill, which requires that National Environmental Policy Act requirements be met before a right-of-way is granted a pipeline, I am persuaded that title II—the Trans-Alaskan Pipeline Authorization Act—is seriously deficient. There was nothing in the court decision in the Wilderness Society case that required Congress to delete the National Environmental Policy Act—NEPA—or to set up the unusual three-judge court arrangement now in the bill.

We are being pressed to act with unseemly haste and insufficient preparation. We do not have any adequate, independent study of the trans-Canadian alternative. Yet without study, the bill would have us declare as fact the superiority of the trans-Alaska route. Without study, I cannot be so persuaded.

Some have advised us that Canada is out of the question. Others have assured us that Canada is open to reasonable proposals. The State of Alaska concedes that a trans-Canada natural gas pipeline will in any case be built along the Mackenzie Valley route. If this is so, it seems to me that fear of Canada cannot be used to prevent consideration of this alternative.

There are at least two reasons why we might favor the trans-Canadian route, and why we should insist on the trans-Canadian route study.

First, the serious environmental dangers of an 800-mile pipeline through an active earthquake territory leading to a more than 1,000-mile voyage by ship with oil spillage of at least 140,000 tons annually from normal operations, in addition to the difficulties of navigating safely through the hazardous Puget Sound, cannot be discounted. The trans-Canadian route seems to minimize these environmental dangers.

Second, the trans-Canadian route would direct the oil to the area of greatest need—the Midwest. Sending the oil to the west coast would literally flood that market, causing diversion of some oil abroad. By 1985, the United States east of the Rockies will be mainly dependent on non-North American oil, primarily from the Middle East, unless new sources are found and exploited. The Government of Canada has recently stated that if the trans-Alaskan pipeline is built, it would not be interested in a second trans-Canada pipeline. Thus, if we now decide in favor of the trans-Alaska route, we are deciding against the Midwest and the East. But it is to the Midwest that the oil should go if we are to minimize our future dependence on the Middle East and supply the most oil-thirsty parts of our country.

I urge the House to adopt an amendment directing an independent study by the National Academy of Sciences of the Alaskan and Canadian alternatives.

In sections 202(d), 203(a), 203(d), and 203(f) the bill exempts the issuance of any right-of-way, permit or other Alaska pipeline authorization from any further review under NEPA and creates a special three-judge court to hear any cases involving any right-of-way, permit or authorization. These suits must be commenced within 60 days of the permit issuance and appeal must be taken direct to the Supreme Court.

I object to this bill's attempt to place beyond judicial review the question of whether the proposed trans-Alaska route meets the requirements of the National Environmental Policy Act. I do not object merely because of the questionable legality of these provisions, or merely because of the doubtful wisdom of Congress declaring fact by flat, but rather because it seems inconceivable to me that we should make as an exception to the National Environmental Policy Act one of the greatest potential environmental dangers of this century.

The attempts to expedite resolution of legal disputes over the pipeline by dismissing NEPA and by requiring a three-judge court is indefensible for a number of reasons. In fact, these very requirements may add greater delay than the delay which they are intended to eliminate. The problems in the bill's approach range from considerations of judicial administration to possible constitutional problems. Accordingly, the bill in its present form not only dangerously impairs the integrity of NEPA, but also raises a number of new and broader issues the courts will doubtless be asked to sort out.

I believe the courts can move quickly, that it is possible to expedite judicial review by directing the courts to give priority status to any pipeline case, and that the inappropriate use of three-judge courts and tampering with NEPA can be avoided.

NEPA is good law. Even many proponents of the trans-Alaskan pipeline have conceded that trying to meet its requirements has produced an environmentally safer proposal. If the courts determine that the proposal meets NEPA requirements, then at least our environmental objections to the rule will have been met. But to take the project out of the statute entirely is to make a mockery of the law.

Moreover, if we make an exception for the pipeline, where will we stop? Of course, it is inconvenient to have to file an environmental impact statement and

meet legal requirements. In passing NEPA, however, the Congress decided it was much worse to permit going ahead with projects which may add to the destruction of our environment. It is said that the energy crisis requires swift action. The same could be said in justification of removing NEPA requirements from nuclear powerplants. Are we prepared to risk a nuclear explosion so that some power company may be spared the inconvenience of building an environmentally safe plant?

Mr. Chairman, I support an amendment to strike from the bill the provisions which declare that the Interior Department has complied with the requirements of NEPA and bar further judicial review of the Alaska pipeline under NEPA. NEPA is the most significant environmental statute yet enacted and its integrity should not be impaired. Furthermore, the ban on additional judicial review will not expedite construction of the pipeline since the bill itself will likely be challenged in the courts on constitutional grounds.

Congress now has the chance to compare the advantages of a trans-Alaska pipeline with a trans-Canadian pipeline or a combined trans-Canadian oil and gas pipeline. These must be considered in the light of our fuel needs and only after searching environmental inquiry. The administration has failed to give an unbiased, fair and full examination to this issue. We are being asked to be hasty. The potential problems are enormous.

Mr. ARCHER. Mr. Chairman, energy, readily available at reasonable cost, has been a major factor in the unprecedented and unparalleled growth that has marked the history of the United States. No other nation yet approaches the industrial strength of our country; no society in the history of the world has reached its level of prosperity.

Ironically enough, however, we now find ourselves faced with an energy shortage that could easily reach true crisis proportions. We simply must take the steps necessary to alleviate this shortage—and eliminate the inconveniences it causes—and at the same time prevent the shortages from reaching awful crisis proportions. We must be able to assure an adequate supply of fuel, with reasonable returns for producers and at a price industry and homeowners can afford. This affects the way we live. Are we going to have permanent brownouts, rationed gasoline, unpleasantly hot or cold homes, and reduced industrial production, or are we going to be able to come up with a plentiful supply of energy to maintain our standard of living without destroying the earth, the air, and the water? And more than that, are we going to be able to come up with the energy necessary to clean up those areas that have already suffered degraded environments? Protecting the environmental quality of our lives takes energy, too.

Today we have the opportunity to take one of the steps necessary to the assurance of an adequate energy supply for the United States.

There is a huge supply of crude oil and natural gas on the North Slope of Alaska, and passage of H.R. 9130, as offered by the Interior and Insular Affairs Committee, will speed the day when this valuable energy resource can be made available to U.S. consumers.

It is certainly true that the passage of the bill before us will not solve all of America's energy problems, but no one single step will do that. Passage of this bill will, however, help us to begin solving the problems.

With positive action today on H.R. 9130 we can enable North Slope oil from Alaska to be delivered to U.S. markets by late 1977 or 1978, and the natural gas can follow 2 years later. The proposed trans-Alaska pipeline. I am convinced, is the best way for us to assure that North Slope oil will be available to U.S. markets as soon as possible.

But we must do more today than merely amend the width limitation for rights-of-way as set out in the Mineral Leasing Act. I think most of us recognize that the bulk of petroleum needs in this country are supplied by pipelines, and if the pipeline industry is to keep pace with the Nation's energy needs, the Mineral Leasing Act of 1920 must be amended in the manner suggested in title I of H.R. 9130.

But, as I said, we must do more. The Congress needs to acknowledge that the trans-Alaska pipeline project has complied with the provisions of the National Environmental Policy Act and, therefore, eliminate more of the time-consuming litigation which already has delayed this vital project for 4 years. I am convinced there has been compliance with all the provisions of NEPA.

Under the direction and leadership of the Department of the Interior, an intergovernmental task force devoted more than 175 man-years of research and analysis to comply with NEPA and to produce the most comprehensive environmental impact statement ever prepared under that act. The statement consisted of six volumes, along with a three-volume economic and security analysis and the most comprehensive and stringent set of technical and environmental stipulations ever imposed on any project were prepared. This massive effort utilized the services of hundreds of highly competent Government career professionals from every applicable scientific discipline.

The bill before us today does not exempt the pipeline from the provisions of NEPA. It simply provides that since NEPA has been complied with. additional delaying litigation should be prevented. It is entirely proper that Congress should make this determination—NEPA applies to the actions of Federal agencies. It does not and could not apply to specific actions of the Congress itself.

Over the past several years it has been amply demonstrated that the Secretary of the Interior has been unable, and the courts have been unwilling, to take the necessary action to get North Slope oil and gas to the rest of the Nation. There is no possibility that they can or will take the necessary action for a year, or several years. Only Congress can resolve the dilemma. And we can do it today by approving H.R. 9130 without amendments that will prolong litigation and further delay the delivery of North Slope oil to the rest of the Nation.

By approving H.R. 9130 without amendments the Congress will demonstrate to the American people its ability and willingness to make timely and sound decisions in order to deal with the energy problems we now face.

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to H.R. 9130. What is occurring, today, on the House floor is a classic confrontation between the right of the people, on the one hand, to the protection of their environment and the preservation of competition in a free market, and the demands of a powerful special interest, a consortium of oil corporations, on the other, to cast aside environmental and competitive considerations in order to allow that consortium to seize monopoly control over the production and transportation of the vast oil resources of Alaska. H.R. 9130, more appropriately, should be considered as a private bill, a private bill for the benefit of Atlantic Richfield, British Petroleum, and Exxon.

There are many objectionable features in this legislation. Among those most offensive are section 202(d) of the congressional findings which states "The actions of the Secretary of the Interior heretofore taken with respect to the proposed trans-Alaskan oil pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969," and sections 203(a) and 203(d) which say that there shall be no further judicial review of the issues involved on the basis of NEPA and that the Secretary of the Interior shall proceed with the issuance of such rights-of-way and permits as he finds necessary to construct, operate, and maintain the trans-Alaska oil pipeline.

I am outraged that this Congress could even consider such provisions. The National Environmental Policy Act is one of this Nation's most noble, most important, and long sought laws, and I, for one, am not ready to throw it out the window simply because the powerful oil industry desires it. The primary purpose of NEPA is to restore public confidence in the Federal Government's capacity to maintain and enhance the quality of the environment. Congress stated in that act that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. The National Environmental Policy Act contains a congressional statement of national goals and purposes for the management and preservation of the quality of America's future environment. It also directs that all Federal agencies conduct their activities in accordance with these goals, including the fulfilling of responsibilities as trustees of the environment for succeeding generations, and the assuring of all Americans of their right to safe, healthful, and esthetically and culturally pleasing surroundings. Furthermore, when Congress passed NEPA, it said that those living in and using our environment had a reasonable right to, and could, indeed, test in the courts the adequacy and validity

of the impact statements relating to the environmental aspects of any project or program. In their frantic rush to build the pipeline and increase the wealth of their coffers, the ARCO–BP–Exxon consortium wants us to push NEPA aside, ignore it, notwithstanding the fact that citizens are exercising their inalienable right to a health environment by challenging the Department of the Interior's environmental impact statement on the pipeline in court.

Mr. Chairman, the land that this pipeline will be constructed on is public land. It does not belong to ARCO, BP, or Exxon. It belongs to the American people. Yet, the ARCO-BP-Exxon consortium proposes to build a project that threatens an enduring Alaskan Native culture, a last great wilderness, and an unmatched living resource of fish and wildlife, and they want to prohibit the public's right to redress to prevent such destruction. Surely, if the Congress refuses to protect the Alaskan wilderness for the American people, the least we can do is protect the right of the people to go to court.

Furthermore, if we disavow NEPA, as the oil interests would want us to do, do we not then set a precedent for years in the future, and each time a group of self-serving special interest lobbyists comes up to Capitol Hill, they will remind us that we have ignored NEPA in the past and "Couldn't we do it just once more for this refinery, or that nuclear powerplant?" The choice on this issue is very simple. We can either vote to protect the environment and constitutional rights of the American people, or we can vote to support the ARCO–BP–Exxon consortium.

Additionally, section 203(f) cuts off the filing of any court action or proceeding within 60 days of the issuing of a construction right-of-way or permit, and establishes a three-judge district court and providing direct appeal to the Supreme Court. My colleagues may be interested to know that the Senate has passed legislation, S. 271, which eliminates the requirement for special three-judge courts in cases seeking to enjoin the enforcement of State or Federal laws on the grounds of unconstitutionality. However, three-judge courts would be retained when specifically required by act of Congress or in any case involving congressional reapportionment or the reapportionment of any statewide legislative body. This legislation has been referred to the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, which I chair. I would direct the attention of my colleagues to the remarks of Chief Justice Warren E. Burger, before the American Bar Association on August 14, 1972, in which the Chief Justice called for the elimination of the requirement for three-judge district courts. He said:

> We should totally eliminate the three-judge district courts that now disrupt district and circuit judges' work. Direct appeal to the Supreme Court, without the benefit of intermediate review by a court of appeals, has seriously eroded the Supreme Court's power to control its workload, since appeals from three-judge district courts now account for one of five cases heard by the Supreme Court. The original reasons for establishing these special courts, whatever their validity at the time, no longer exist. There are adequate means to secure an expedited appeal to the Supreme Court if the circumstances genuinely require it.

Mr. Chairman, if we give our approval to section 203(a) which authorizes the Secretary of the Interior to grant such rights-of-way and permits as he finds necessary for the construction, operation, and maintenance of a trans-Alaskan oil pipeline, we are then giving congressional blessings to establishment of a monopoly by the ARCO-BP-Exxon consortium over the development and transportation of the Alaskan oil.

We all know that the petroleum industry, in an economic sense, is highly concentrated. It is vertically integrated from reserve ownership through production, transportation, refining, and marketing which allows for virtually complete control of supply price and other conditions for the receiving product. The oil industry operates through a myriad of joint ventures, from the bidding of leases to the ownership of pipelines, in marketing and operating arrangements to effectively preclude whatever little competition might otherwise exist. In fact, the spirit of cooperation among the oil companies is far greater than the spirit of competition.

If we look at the concentration in terms of Alaska's oil and the pipeline, we will find that in the Prudhoe Bay area, reserves are now set at about 25 to 30 billion barrels, of which about 9.6 billion barrels are deemed recoverable. Three companies have the lion's share of these recoverable reserves. They are British Petroleum with about 5.3 billion barrels, Atlantic Richfield with 1.9 billion barrels, and Exxon with another 1.9 billion barrels. About 95 percent of the recoverable reserves thus are held in the hands of these three corporations.

In production, the lease rights covering the enormous Prudhoe Bay reservoir are held in part by Humble Oil & Refining Co., now Exxon, and the Richfield Co., now Atlantic Richfield, under an "Arctic Slope Agreement" executed in 1964. The agreement provides for equal sharing between those companies of all exploration and development north of the Brooks Range in Alaska, and east of Naval Petroleum Reserve No. 4. At every point where competition might arise, in the acquisition of additional leases, in the acquisition of exploratory data, in all details concerning wells, in production, it is suppressed by this agreement.

The British Petroleum interest, the bulk of the remainder, though in part stemming from lease rights held individually by that company, also includes a substantial interest in the area held jointly by BP with the Sinclair Oil & Refining Co., whose rights were acquired in 1968 by Atlantic Richfield.

Thus, there are agreements existing between these three corporations whereby they share equally, almost on all leases, exploratory data, and decisions on rate and amount of production. Furthermore, if any of the members of the consortium desires to sell its interest, the others must first be offered the opportunity to buy.

Figuring the reserves which BP, Exxon, and ARCO control in the lower 48 States, the added share of Prudhoe, nearly one-third of all currently existing U.S. reserves, would give these three corporations control of nearly one-half of total U.S. reserves, a noncompetitive control that is too large to be safe. With the discretion as to production rates which is entailed in ownership, the consortium will hold a greater degree of production control of total U.S. markets than was held by the prorating authorities of the State of Texas during the years in which Texas "held the price umbrella" over domestic production.

In addition to the basic joint venture controlling production, the consortium will clearly control the transportation of the Arctic Slope oil through the projected ownership of the TAPS line. This is an undivided interest line, one in which the pipeline properties are owned directly by the joint venturers, not through a joint corporation. The Alyeska Pipeline Co., which is a joint venture also, does not hold ownership of the line, though it is to be the construction agent and operator of the pipeline. BP, Arco, and Exxon together will own 81.5 percent of the pipeline.

Since transportation is the sine qua non of economic oil operations in this remote area, the control which the consortium has over the pipeline gives them a firm dominance over exploration and development by other companies in the area. The consortium will determine the location of the input and output points, and the terminals necessary at both points. Within a very wide limit, the consortium will also have control over the tariffs and service charges, certainly if Interstate Commerce Commission control patterns are followed. The ICC customarily hears to rates and practices only from shippers, which here are the principal owners.

As we know, the pipelines are subject to a number of regulatory provisions, such as prohibiting unjust discrimination and undue preference, prohibiting a carrier from granting rebates to individual shippers directly or indirectly, or provisions requiring just and reasonable rates and requiring reasonable facilities for interchange of traffic. Despite these provisions of law, however, we have many charges by nonowners that pipeline owners exclude them from using the common carrier lines and that the majors engage in many other discriminatory and exclusionary practices. The ICC, I might add, has never exercised its power under the Elkins Act to prohibit rebates nor has it ever conducted an investigation of a possible violation of the merger provisions of section 7 of the Clayton Act which it can do under its own initiative without complaint. This cooperative ownership of pipelines provides one more area in which the major integrated firms avoid the necessity of competition. Cooperation, I repeat, not competition, is the way of life in the oil industry.

Another point, tankers, of course, must carry the oil from the port of Valdez

at the end of the pipeline to the west coast. I understand such a tanker service has already been announced, not surprisingly, by Exxon.

Speaking of the west coast, the consortium's control in District V will approach monopolization. While the exact shares in District V production by these companies remains to be worked out in detail, it is clear that it will involve far more than half the total of District V output. The offshore California production now being developed is almost certainly to be the principal domestic source other than Alaska, and Exxon and Arco have formed a syndicate for bidding on California offshore leases and they already hold a very significant share of total California offshore production.

This is just a general list of the anticompetitive factors, but in substance, control over the pipeline and the related production agreements will give to three companies operating virtually as one, monopoly control over the marketing of oil on the west coast, and a greater share of total domestic oil production than would be permissible under any view of the antitrust laws.

Mr. Chairman, I cannot help but notice that despite all the crying and self-serving statements by the oil industry, in their multimillion dollar tax deductible public relations campaign blitz, over the so-called energy crisis, that the profits for the oil industry seems greater than ever. For example, Exxon, the Nation's largest petroleum company, announced a 54-percent gain in profits for the second quarter of 1973. ARCO's second quarter net soared 50 percent. Indeed, in spite of the shortage of oil in various parts of the Nation throughout this year, the first half of 1973 has turned out to produce a bonanza of riches for the oil moguls. With most oil company earnings reported for the second quarter of 1973, the average jump in profits during this period has been more than 30 percent, and, following a very strong first quarter, this year promises to be one of the strongest periods in the oil industry's history. And the biggest windfall of the oil propaganda campaign is yet to come, the trans-Alaska oil pipeline.

Mr. Chairman, in conclusion I would like to say that public confidence in our governmental institutions is at an all time low. Poll after poll has shown that the citizenry is fed up with the continued abuse and misuse of power and money. What then, will the public think, if we, their servants, bow to the pressure tactics of the multimillion dollar Madison Avenue scare campaign used by the oil industry, and endorse the demands by big oil to discard the National Environmental Policy Act and support the monopolization of Alaska's oil. Should not Congress make it a first order of business to restore faith in the institutions of Government and respond to the people's will, not the will of the oil industry. We can start to regain this faith by refusing to buckle under the pressure of the oil industry and vote to send this legislation back to the corporate boardrooms of ARCO, BP, and Exxon.

Mr. GILMAN. Mr. Chairman, I rise to express my firm conviction that oil from the North Slope of Alaska must be made available to the "lower 48" as quickly as possible.

Faced with a worsening energy shortage affecting all of us, the Congress must see to it that an Alaskan pipeline be constructed transporting the vast oil reserves of Prudhoe Bay to the area where the shortage threatens to interrupt the patterns of American life. I believe firmly that we must seek to provide these oil reserves in the quickest manner possible.

But I am also concerned about some of the provisions of H.R. 9130. In our haste to procure this valuable commodity and to provide for consumption of Alaskan oil, we should not circumvent the provisions or the objectives of the National Environmental Policy Act. NEPA was conceived as a protective measure to assure that all of the environmental considerations of any proposed project be adequately investigated and resolved before any construction is undertaken. While our situation is dire, this does not excuse circumvention of the letter of the law.

Furthermore, as many Members are aware, we may be sparking the flint for even more time-consuming litigation if we vote to ignore the provisions of the National Environmental Policy Act. What we do today to hasten the construction of this necessary pipeline may well backfire if we find ourselves involved in further court action testing the constitutionality of avoiding the provisions of the NEPA.

For this reason in voting today on this important energy measure, we must consider all ramifications, including the importance of endeavoring to protect our environment.

While I am convinced of our urgent need for oil, I am also convinced that we must make certain that the oil is delivered where it is needed. Our Nation's most critical oil shortages are in the Midwest and the East. These sections of the country are also most dependent on the undependable imports from the volatile Middle Eastern countries.

Yet, title II of the bill, cited as the "Trans-Alaska Pipeline Authorization Act," will send the vitally needed oil to that part of our country, the west coast, which is virtually self-sustaining in its oil needs. Empirical evidence shows that delivering North Slope oil via the trans-Alaskan pipeline and tanker to the west coast could result in an oil surplus on the west coast while the rest of the nation continues to suffer from a shortage. Knowing the acute problems facing my congressional district in the State of New York, I am not favorably inclined to any proposal that would result in bottling up Alaskan crude on the wrong side of the Rocky Mountains.

I support the proposal authorizing a thorough study of the possibilities of constructing an oil pipeline across Canada. The Canadian route offers a decided advantage of delivering an oil supply to those areas which are experiencing a dire shortage.

Mr. Chairman, our fuel needs are great and they are urgent. Let us look carefully at this proposal. It is of extreme importance to our Nation to develop all of our domestic resources. But in our urgency, we must not act without reason—let us consider all of the aspects of this important pipeline proposal.

As we assure for our Nation the equitable utilization of this valuable resource, let us also seek to provide maximum protection for our environment.

Mr. MURPHY of New York. Mr. Chairman, I am happy to see that the authors of H.R. 9130 did not make the same error made by the Senate in that body's version of the Alaska pipeline bill, S. 1081. Specifically, I am referring to Senate amendment No. 298, which was adopted by the Senate by voice vote on July 9, 1973.

Briefly, amendment No. 298 directs that the effective date of the Ports and Waterways Safety Act of 1972 be set back from January 1, 1976, to January 1, 1974, with respect to foreign vessels and U.S.-flag vessels operating in foreign trade. Of greater importance is the fact that the amendment would also establish June 30, 1974, as the effective date relative to U.S.-flag vessels engaged in coastwise trade. This means that if the proposed Coast Guard regulations of January 26, 1973, are effected, double bottom tankers would be required in 11 months not only for the Alaska-U.S. route, but all coastal trade in the Pacific, Atlantic, and Gulf of Mexico.

In view of the above, I feel that while the goal of the Senate was an excellent one, that is to guarantee the potential for oil pollution from expected traffic between Alaska and ports on the U.S. west coast, there is serious question that the amendment that was approved on July 9, will bring this about. I would hope that as the House and Senate go to conference on this legislation, the Senate amendment on this issue is rejected. Such action by the conferees would have not only a beneficial impact on our maritime industry, but will give those of us who are currently actively studying the alternatives to come up with either a better solution or more definitive information on the efficacy of double bottom segregated ballast. In view of the fact that it would be impossible to convert or build a fleet of sufficient size to meet the country's needs by July 30, 1974, deadline, I urge Members who will go to conference on this bill to give this matter serious thought with a view toward undoing any damage that might be done, not only to our merchant fleet, but to the environment because of precipitant Senate action.

As chairman of the House Coast Guard Subcommittee of the Merchant Marine and Fisheries Committee, I have been conducting extensive hearings into the Coast Guard regulations which would require double botton-segregated ballast on future tank ships. Sufficient testimony has been adduced which raises serious questions over the actual ability of double bottom tankers to reduce the possibility of accidental oil pollution. As a matter of fact, the record thus far has indicated that the double bottom "solution" to accidental oil pollution may be no solution at all. To the contrary, an analysis of the dynamics of a double bottom tanker

under adverse conditions shows that just one failure owing to the decreased stability of such vessels could cause a catastrophic discharge of oil greater than the annual 60,000 tons of spillage from conventional tankers.

There appear to be four serious disadvantages to double bottom tankers that did not surface in the original studies. These include, one, an inherent decrease in stability, with a decrease in resistance to capsizing; two, a loss of buoyancy in a grounded double bottom which would impair salvage efforts and increase the potential for losing an entire cargo; three, the potential for gas accumulation in the double bottom and the danger of explosion; and, four, the fact that they only work with minor accidents.

Mr. REID. Mr. Chairman, I rise with concern tonight over what I believe is a very serious matter in this country—an energy shortage which in my view has reached critical proportions.

Clearly, we must do all we can to provide adequate supplies of oil to meet this crisis. Not only do we need approximately 65 new refineries in the country, but also we need a strong national policy—which as of the present does not exist, due at least in part to a failure of this and perhaps other administration to foresee and recognize inevitable energy shortages—to provide a massive research and development effort aiming at self-sufficiency by the early 1980's. As a sponsor of legislation introduced in the other body by Senator JACKSON which would authorize such a program, I fully recognize the need for developing new resources and acting rapidly to deal with this energy shortage.

The bill we have before us tonight, however, does little to solve or even alleviate the energy crisis in the State of New York. The pipeline route through Alaska, whose oil is then to be shipped south along the west coast, is not adequately scheduled to be transported to eastern markets—and even if it is transported to the east, it will no doubt be at a substantially higher cost to consumers.

Finally, there are no adequate environmental safeguards in this legislation, and in my view, this is not the time to start gutting the most important environmental legislation we have on the books. This pipeline bill simply declares that the pipeline is in compliance with the requirements of the National Environmental Protection Act—NEPA—and furthermore bars further judicial review of the Alaska pipeline under NEPA. Such a waiver of NEPA would not only set a most dangerous precedent which would destroy the effectiveness of NEPA, since clearly section 203 could make NEPA inapplicable, but it also could cripple the courts in the environmental area.

In sum, although I strongly believe we must develop the Alaskan North Slope, I believe it can be developed in a way far more advantageous to the consumers of New York State and in a far more environmentally sound manner, which does not jeopardize the strength or effectiveness of present laws which protect our lands, our seas, and our wildlife. I, therefore, will vote against passage of the bill.

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to H.R. 9130, the Alaska pipeline authorization.

I do so with a great deal of hesitation and reluctance. I am greatly concerned about reports of an existing or impending energy crisis. I would very much like to see the North Slope of Alaska fully, safely, and ecologically developed so that this country's energy needs can be met. I am also concerned that a failure to adequately develop our resources will require undue dependence on the Middle Eastern countries and possibly undermine U.S. support for Israel. It is imperative that this country continue to support Israel fully.

For these reasons, I voted to have an immediate study of a trans-Canadian pipeline route—which would bring oil to eastern States and directly benefit New York. On balance I believe that the Alaskan pipeline measure presents too grave a risk to this country's environmental and economic state and offers too little aid to eastern States including New York to be approved by this body.

One of the most alarming factors about this bill is that it comes to us with an admission of the Secretary of the Interior that in transporting the oil from Valdez to the west coast we will be dumping at least 140,000 barrels of oil a year into the Pacific ocean. The harmful effects of this pollution on availability of fish cannot be estimated.

Second, I am disturbed by the fact that we have waived the requirements of the National Environmental Protection Act in passing this bill. This is a dangerous precedent and one which is possibly unconstitutional. That act was designed to stand between the American people and environmental chaos. If we waive its requirements every time we are confronted with a crisis, we are in effect inviting ecological catastrophe.

Third, I am dismayed by the fact that the Alaska route will serve only to increase the already abundant oil supply in our western States, while offering virtually no help for the oil starved States of the East and Midwest. I am equally disturbed about reports that because our western States have adequate oil supplies, much of the Alaskan oil will be exported to Japan.

I am also concerned about this bill's procedural requirements that all nonenvironmental claims raised by the construction of the Alaska pipeline must be raised within 60 days after the grant of a right-of-way. Does this mean that any antitrust claims, for example, brought against the owners of the pipeline not raised within the 60-day time frame—an almost impossible period to prepare for such a suit? I think limiting judicial review in this manner raises serious constitutional problems. In any event, as a matter of policy I think this Congress should tread lightly when it is altering the jurisdictional lines of the Federal court system.

In this regard, I would also note that the ownership of the Alyeska Line, which rests in seven oil companies—three of which own 95 percent of the reserves developed—raises serious antitrust questions. At a time when we have been warned that much of our so-called "energy crisis" is the result of a conspiracy between a few oil companies who enjoy the economic benefits of a highly concentrated market, this Congress should not be allowing these same companies to tighten their control over this important new energy supply.

Lastly, I am terribly upset by the fact that information concerning the Canadian Government's willingness to cooperate in developing a trans-Canadian route was withheld by the State Department when this bill was before the Senate, thereby eliminating any serious consideration of this alternative in that body.

In the last analysis, the bill before us represents the worst in governmental planning. All of the available options have not been fully explored. Information has been withheld by the Executive from the Congress thereby further diminishing our examination of the alternatives. Control of this venture has been centered in the hands of a few powerful companies. Our ecological balance is seriously threatened. In this posture, I do not see how we can support this bill.

Mr. GOLDWATER. Mr. Chairman, whether we like it or not, we in America face an energy crisis—and we face it today.

Our actions here will decide whether, in the future, we will be an energy sufficient nation or whether we will be overwhelmingly dependent upon the whims of foreign suppliers.

Our actions here will decide whether we will aggressively assert leadership in the international search for energy alternatives or whether we will have to take a back seat to others, relying upon their generosity to run our factories, light our schools, and heat our homes.

Our actions here will decide whether we will search out and harness the energy to support American prosperity or whether we will be forced to abandon our current standard of living and our hopes for the future, leaving us to apologize to our children for a great nation sacrificed on the altar of fuel deficiency.

It is true that our prosperity—that standard of living we are proud to call American—includes a wild, healthy, and protected environment. But, we must never allow "environment" to become a codeword for destruction of American technological and economic superiority, for that would be tantamount to destruction of American prosperity.

There is a great potential for good in the oil of Alaska. But left untapped, that oil cannot produce that good. We need the oil of Alaska, today.

Mr. BROWN of California. Mr. Chairman, as I listen to the debate of my learned colleagues on the merits of the Dellenback-Owens amendment to this Alaskan pipeline bill, I am moved to express what no one else here today has expressed, and that is the possibility that whatever action we take here on this amendment, and on this bill, may be immaterial. By immaterial, I mean that we may not solve any real problem. If that problem is an immediate, or potential, energy crisis, what we do here may not effect it one iota. If, as is much more likely, the real crisis is a far more seri-

ous failure to understand the limits to man's ability to use or destroy the resources of the earth, including its energy resources, and to develop an alternative set of goals and human lifestyles, then we delude ourselves and make any solution less likely by the passage of this bill, with or without amendment.

Why do I say that passage of this bill will not solve, or even contribute to a solution of, the energy crisis? Every realistic projection of energy use in the United States shows a doubling in total energy demand within less than 30 years. Even with Alaskan oil on stream, the import requirements for oil, largely from the Middle East, will reach levels that require dollar outflows of $25 to $50 billion per year by the end of the century, and possibly much earlier. At the same time, European and Japanese demand increases even faster than ours, and their economic position in bargaining for Middle East oil becomes stronger than ours. This country will be either totally bankrupt; owned by Arab sheiks; or involved in a major war which will destroy either us, the oilfields we need, or both; long before the year 2000.

The input of oil from Alaska, when we get it, will represent about a 5 percent increase in our total energy supply of all types. In all likelihood demand may have increased over today's projections by that amount by 1978 when the Alaskan oil becomes available. Instead of being better off, in terms of energy supply, we may well be worse off in 1978 than our projections show. The crisis will be worse because we avoid the real problem here today.

There are many ways to put that real problem, and almost all of them constitute tremendous oversimplifications. One way to express the problem is to say that we have always assumed that the use of increasing amounts of energy was wholly good, that it represented the highest concept of man's progress toward a better world, and that there would never be a supply barrier which could not be overcome by man's technological ingenuity. All of these assumptions are, in my opinion, false.

This leads to the need to recognize that we have reached the point where we must put major emphasis on the factor of demand, rather than supply. We must seek immediately, and in every possible way, to limit our use of energy, and to examine all of those aspects of our lives which are profligate in the use of energy. At the minimum, we must as a nation achieve an energy budget which, at least roughly, balances our national demand with our national supply, and in a way which avoids the destruction of the environment and long-range hazards to our lives.

I will not elaborate today on the implications of demand analysis and restructing. It is far too complex a subject. But I would point out one further reason for beginning the process of weaning ourselves away from our high-energy consumption lifestyle. If we do not, the energy conglomerates will own the American people, lock, stock, and barrel, within my relatively short remaining lifetime. Owning as they do the primary commodity which we have come to feel is central to the good life, the monopolistic energy companies—basically petroleum today—are rapidly moving to exploit their position for maximum windfall profits, with which they are buying up the energy sources of the next generation, coal and uranium. And, ludicrous as it may seem, they are using the tax dollars of the ordinary citizen, and the power of our Government, to aid them in this process. There is some evidence, of course, that they have already bought most of the machinery of Government.

Perhaps this analysis will seem overly cynical to many of my colleagues. But I am convinced that the real question today should be not how quickly we can strip Alaska of its oil resources, but rather how quickly we can comprehend and solve these more important problems.

Mr. VANIK. Mr. Chairman, there is no doubt that our Nation desperately needs whatever oil and mineral resources which can be found and developed in North America, including Alaska and Canada. The North Slope discovery is important, but it is difficult to determine—at this time—whether it will constitute the prime discovery in Alaska or even a substantial discovery compared to what may develop. Substantial discoveries and even larger discoveries may develop in other portions of Alaska and in northern Canada.

In developing a pipeline system of delivery, we should think not just in terms of one field of discovery. We should think in terms of the best system of delivery, one which is efficient, environmentally safe, and designed to serve a wide area of resource development and collection. We should be thinking in terms of an oil and gas collection system, located to provide a delivery system of the broadest dimension. It should be designed to reach beyond the Prudhoe Field into northern Canada—so that it could serve new discoveries along the land route. The trans-Canada route would multiply contemplated use of the pipeline. By reaching new fields, the overland route would extend the life of present discoveries and provide a more stable and continuing source of petroleum energy.

The trans-Canada pipeline would deliver petroleum from source to refinery without leaving the pipeline. The transportation of oil would be more secure—more compatible to the national security and independent of special marine problems—the Jones Act does not apply to pipelines and petroleum users would not be subject to higher prices of oil shipped in a combination pipeline-tanker system.

Some question has been raised as to the advisability of a system of oil delivery over the land of another sovereign country. However, Canada is our best friend—our interests are interwoven. The trans-Canada pipeline would open up new regions for discovery and development mutually beneficial to both countries.

The delivery of oil by pipeline from well to industry would provide the heartland of America with an energy system which might insure the competitive survival of this large industrial region. The coasts already have the benefit of tanker-delivered oil, which can move from tanker to industry. Midwest America needs a pipeline supply if it is to maintain its capacity to survive or compete for industrial development.

More oil for the west coast of America will result in more industry and more people, more pollution, more problems. The heartland of America cannot afford more population shift to both coasts. It is clearly in the national interest to distribute industrial production and to direct development to the heartland of the Nation.

There is no doubt that North Slope oil is needed, badly, in all of the lower 48 States. There is serious doubt, however, as to whether that oil is needed on the American west coast, where tankers from Alaska would deliver the bulk of their oil cargo. According to figures supplied by the National Petroleum Council in a 1973 study, in order to meet the west coast oil demand, it will be necessary to import 1.6 million barrels of foreign oil to the west coast by 1980. The projected oil supply in the 1980's from the North Slope oil fields is 1.8 to 2 million barrels. If shipped to the west coast, this will result in a surplus of at least 200,000 barrels of oil. It is not difficult to deduce that the oil companies plan to sell their surplus crude oil to Japan in return for Japanese rights to Middle East oil. This Middle East oil will then be shipped to the east coast and the Midwest under the provisions of the new fee import program or at the increasingly high and unstable Middle East price. This will insure high oil prices for the oil industry. It will reduce the level of taxes paid the American Government by oil corporations and provide more Cadillacs for the Middle East sheiks.

Rather than export surplus Alaskan oil, we should ship this oil to the Midwest where it is needed. If surplus Alaskan oil on the west coast were to be shipped to the East either across Panama or around Cape Horn, the cost per barrel would increase anywhere from $0.65 to $2.22. This additional cost is obviously unfair to Midwest consumers where this oil is so vitally needed. Returning to the NPC's study, statistics definitely demonstrate this need for Alaskan oil in the Midwest. In 1980 it will be necessary to import 4.45 million barrels of oil to meet Midwest demands. This is 74 percent of the total Midwest oil needs of 6 million barrels per day. If Alaskan oil was to be piped directly to the Midwest, this region would then be dependent on foreign oil for only about 28 percent of its total supply, about the same amount needed by the west coast with no Alaskan oil. These figures clearly argue for the trans-Canada pipeline.

It is not surprising that the oil companies are resisting a Canadian route for the oil pipeline. In addition to the claim that a Canadian pipeline would be costlier to build since it is longer, the oil companies stand to lose 2 or 3 years' worth of profits due to the delay necessary to build the longer Canadian route. But loss of profit is the oil companies' only real argument. The Department of the Interior's final environmental statement in its economic analysis of the

trans-Alaskan pipeline route admits that a Canadian route would be "an equally efficient—economic—alternative" to the one in Alaska.

The environmental problems created by the construction of the trans-Alaska pipeline are as serious as the economic problems. For instance, the proposed pipeline route lies squarely in the middle of one of the most active earthquake belts in the world. In the past 20 years, 23 major earthquakes have hit the very route the pipeline will follow. Any one of these seismic shocks would have had enough force to rupture the pipeline. Interior's environmental impact statement admits—

> . . . it is almost a certainty that one or more large-magnitude earthquakes will occur in the vicinity of the southern two-thirds portion of the proposed route during the lifetime of the pipeline. Strong ground motion and large ground displacement accompanying such an earthquake could damage—even rupture—the proposed pipeline.

The Port of Valdez, where a 510,000 barrel capacity storage and tanker loading facility is planned, is on an equally dangerous site—so dangerous, in fact, that most of the town of Valdez was washed into the sea as a result of tidal waves following the Alaskan earthquake of 1964.

As if the threat of earthquakes were not enough, the steel pipe itself, already purchased by the oil companies at a cost of $100 million, has no special design or properties to allow it to withstand the rigors of bringing oil through some of the most difficult terrain and weather conditions in the world. Indeed, the chairman of the department of mechanical engineering at the University of California—Davis—has stated that—

> The pipe has been so underdesigned that we already know that it will wrinkle.

Some 350 streams would be crossed by the proposed pipeline route; a rupture near a large stream would wreak havoc with a salmon run or result in oil being carried out to the Beaufort Sea to be trapped under the pack ice. Again, to quote the Interior Department's Impact Statement—

> In the event of a pipeline rupture, 14,000 barrels of oil (588,000 gallons) could leak out during the time required for pump station shutdown and valve closure. After shutdown and valve closure, up to an additional 50,000 barrels of oil could drain from the pipeline at some localities.

Mr. Chairman, I need hardly point out the inestimable damage which could occur to the Alaskan terrain or the catastrophic effect on the fish which spawn in many of the streams crossed by the pipeline, and on the wildlife dependent on these streams.

A far more imminent threat to the marine ecology of the Arctic lies in the transportaation of the oil from the time it leaves the pipeline to the time it reaches the refinery. Present plans call for huge oil-laden supertankers to sail down Alaskan coastal waters to Prince William Sound, one of the purest bodies of water on Earth and one which supports a sizable fishing industry. Yet the Interior Department's impact statement admits that large spills probably will occur and that complete cleanup would seem to be impossible even if the 12-hour delay now permitted by the Coast Guard for full oil spill response were eliminated.

In other words, spills will occur and we will not be able to clean them up. Memories of the *Torrey Canyon* disaster, and the knowledge that similar disasters are almost certain to occur again and again during the life of the pipeline, are cause for deep alarm. It should be remembered, for example, that the water route which the oil tankers will follow is one of the most treacherous in the world. Special pilots will be needed to guide tankers out of the narrow Valdez Arm—a fjord blasted by gale force winds and not entirely free of icebergs—into Prince William Sound.

Once out of the sound, tankers will have to travel the Gulf of Alaska, waters which Interior describes as having the "highest frequency of extratropical cyclones in the Northern Hemisphere" during the winter months. Waves in the gulf reach a height of 12 feet or more 20 percent of the time. Should a major oil spill occur—almost a certain eventuality—Interior's impact statement concludes that—

> Permanent and far-reaching effects upon certain forms of plankton would occur causing a general decrease in primary productivity which would in turn affect other organisms of the ecosystem, such as salmon, and other species of fish, birds, and shellfish.

The greatest threats to the Arctic environment could be averted if the oil pipeline were to be built along the MacKenzie Valley in Canada instead of along the trans-Alaska route as now proposed. The chance of marine disaster would obviously be averted if the oil were shipped entirely on land, as the Canadian route would permit. Environmentalists in this country and in Canada, Members of both the House and Senate, and Canadian Government have all advocated adoption of the Canadian route. Though environmental disruption will occur wherever a pipeline is built.

The MacKenzie Valley route would also avoid the Alaskan earthquake belt which presents such a hazard to the entire length of Alaskan pipe, to the entire oil storage facility at Valdez, and to many sections of the tanker route southward. The TCP line would pass over relatively level land as opposed to the Alaskan mountain chains of the TAP. Since a separate natural gas pipeline is already planned for the MacKenzie Valley route, building the oil pipeline along the route already designated for a gas pipeline would reduce the compound threat to migrating wildlife posed by two separate pipeline routes.

The fact that part of a Canadian pipeline already exists—from Edmonton, Alberta, to Chicago—makes the Canadian route even more appealing.

In light of every argument opposing the construction of the trans-Alaskan pipeline, its advocates must fall back on the claim that such a pipeline is essential for our national security as a guarantee that we will not have to rely on insecure Middle East oil in the near future. Oil company schemes to import Middle East oil immediately refute this claim. Mr. S. David Freeman, former Assistant Director for Energy and the Environment in the Office of Science and Technology, goes on to argue that the 2 million barrel daily flow through the trans-Alaska pipeline would constitute only about 4 percent of our total energy consumption in the 1980's.

A Canadian pipeline would greatly encourage exploration of the estimated 44 billion barrel oil reserve in the Canadian arctic, an amount equal to the entire reserve thought to lie under the Alaskan ice. Our national interest would be best served if this Canadian oil supply, officially considered secure oil, could be obtained for use in the United States, lessening our dependence on Arab petroleum.

Thus, any action that will immediately permit the construction of a trans-Alaska pipeline appears as a blatant example of the administration favoring the interests of the oil companies over the interests of the public. The profit which would accrue to the few corporations seems to take precedence over every environmental danger, every saving to the consumer on oil shipped most economically to where it is most needed, every cry of concern for reconsideration of the pipeline decision.

Of course, a trans-Canadian pipeline would not be possible if it were opposed by the Canadian Government. This question has been the subject of a great deal of recent debate and discussion. From the latest reports, however, it appears that the position of the Canadian Government on this vital issue was withheld from the Senate during the period in which that Chamber was debating this legislation. Since the Senate passed this bill, information has become available which indicates that the Canadian Government would not demand majority ownership of the pipeline. In essence, the Canadian Government does not appear to be hostile to the concept of a trans-Canadian pipeline and the position of their government appears to be continued to be expressed by the statement of Prime Minister Trudeau in the Canadian Parliament on May 14, 1973:

> We do not favour the route from Alaska which would take oil tankers over the ocean into waters that are very narrowly confined between the United States and Canada. That is still our policy, and our policy is still to indicate that the Mackenzie route is one which we would be prepared to consider if there is application made in the proper form, and that we would be very happy to follow up on that.

Interior's refusal to even consider a Canadian pipeline route is in violation of the National Environmental Policy Act of 1969, which calls upon all Federal agencies to—

> to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

The NEPA law clearly applies in this case. The impact statement's admission of insufficient information about literally hundreds of questions of environmental effects of Alaskan pipeline construction

constitutes another violation of national environmental policy—as stated in the 1969 act—which declares in part that—

It is the continuing responsibility of the Federal Government to . . . attain the widest range of beneficial uses of the environment without . . . unintended consequences.

How can "unintended consequences" be prevented if they are not even known? More time is needed—at least half a year—to study the possible consequences of the Alaskan pipeline and advantages and feasibility of the Canadian route.

A "more thoughtful and rational analysis" literally cannot be made at this point. We risk extreme deterioration of the Alaskan wilderness—and deterioration of Canadian-American relations over this very controversial question.

One of the most distressing aspects of the bill before the House today is the fact that rather than face the requirements of the National Environmental Policy Act, this bill simply overrides that act. It declares that the NEPA will not apply to questions relating to the building of the Alaskan pipeline. In essence, the bill declares that the environmental problems have been resolved. This is equivalent to declaring through an act of legislation that "night is day" or "black is white." It is my fear that the language of this bill, which breaches the applicability of the NEPA, will be used as a precedent for the total destruction of this most important environmental safeguard.

I am, therefore, supporting amendments that would delay final approval of the Alaska pipeline so that further studies by the General Accounting Office and National Academy of Sciences can be conducted during the next half year comparing both the economic and environmental merits of a trans-Canadian pipeline as an alternative to the Alaskan route. In addition, the provisions of this bill which excuse the pipeline from the provisions of the NEPA must be deleted. If these and other amendments are not accepted, then the bill will remain an environmental nightmare and must be opposed.

Mr. GONZALEZ. Mr. Chairman, yesterday the House considered and passed the trans-Alaska pipeline bill. I was one of the 356 Members of the House who voted in favor of this measure, but I did so reluctantly.

I had intended to amend this bill, but debate on this measure lasted for 12 hours, and because of the impossibility of remaining on the floor indefinitely I never presented my amendment.

If my amendment had been considered and passed it would have provided that no oil or gas, whether crude oil or refined oil, transported over the trans-Alaska pipeline system shall be exported from the United States.

Even though the bill provides some protection against exports of crude oil it is my hope that in its final form the bill is perfected enough to insure that we do not, under any circumstances, allow any of the oil or gas transported over the trans-Alaska pipeline to be exported. If there should be an instance when this does happen it is my belief that this deviation would be contrary to the wishes of Congress.

It is my understanding that when the trans-Alaska pipeline is built, the United States can expect to curb the dollar outflow for overseas oil by as much as $3.3 billion annually, while reducing its dependence on foreign sources. Because of this information and because every Member realizes our country's need for oil and gas, this bill was passed by a large margin, and I am sure that those who voted for this bill feel as I do, that if any of this oil or gas is exported to any foreign country this was not the intent of Congress when they passed this legislation.

I offer a copy of the amendment for the RECORD:

AMENDMENT TO H.R. 9130, AS REPORTED OFFERED BY MR. GONZALEZ

Page 17, strike out line 19 and all that follows down through and including line 14 on page 18, and insert in lieu thereof the following:

SEC. 206. Notwithstanding any other provision of law, no oil or gas, whether crude oil or refined oil, transported over the trans-Alaska oil and gas pipeline system constructed under the provisions of this Act, or under the provisions of any Act amended by this Act, shall be exported from the United States. Any right-of-way, permit, public land order, lease, or other Federal authorization issued or entered into by the United States in connection with the construction of such trans-Alaska oil and gas pipeline system shall contain a provision stating that in the event any person holding such a right-of-way, permit, public land order, lease, or other Federal authorization, exports any oil or gas in violation of the first sentence of this section, then such right-of-way, permit, public land order, lease, or other Federal authorization held by such person shall terminate, with no liability accruing to the United States on account of such termination.

Mr. CARTER. Mr. Chairman, there is no question but that we are faced with an energy crisis in the United States.

Three years ago some of the larger gas companies informed me that they could no longer supply gas to newly constructed factories in the district I represent. Two years ago, some of the largest companies in the United States testified before the Committee on Health and Environment that the known reserves of natural gas would last 6 years and the known supplies of petroleum approximately 12 years.

Our country is the world's largest consumer of petroleum products. We have a nation on wheels and a nation which has become accustomed to heating and air conditioning from either gas or electricity. Not only this, our Army and Navy are both dependent upon adequate supplies of petroleum.

As it happens, Mr. Chairman, I have been for some years a member of the Audubon Society. I am a practicing environmentalist, but our need for the oil from the north slope is so great that immediate construction of a pipeline is imperative.

I am reliably informed that other large gas companies are interested in construction of a pipeline in addition to the Alaskan pipeline down the Mackenzie River and into the northwest. A shortage of natural gas is recognized in this particular area. This company informs me that it will work in conjunction with the petroleum companies which are developing the oil potential of the North Slope. Although I had rather both the oil and gas came down the Mackenzie River through Canada into the northwest, it seems the petroleum will become available sooner if the Alaskan pipeline is constructed.

Since our need for petroleum is so great, I therefore support the construction of the Alaskan pipeline.

At the present time, our Navy has projects in the United States for conversion of coal into fuel which could be used for propulsion of its ships. The pilot project now produces only 5 barrels per day. It seems to me, Mr. Chairman, that this work must be intensified. The huge deposits of coal in our Western States must be utilized in supplying our Navy and armed services with the petroleum it needs. We cannot depend upon the volatile Middle East as a source of supply.

I urge that an authority with adequate funding be created to launch immediately a project to convert sufficient amounts of this great supply of coal into petroleum products needed by our people and by our armed services so that our country will be strengthened internally and will not be dependent upon the changing temperaments of unstable governments.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in reluctant support of the Alaskan pipeline authorization bill. I support the pipeline because I think we must have it to meet our energy needs, yet I am reluctant because of the environmental questions that have been raised.

Mr. Chairman, no one denies that we must tap the huge oil deposits discovered on the North Slope of Alaska 5½ years ago.

The North Slope deposits will not by themselves solve our energy needs, but they will provide an important fraction of our future oil requirements.

The issue before us is whether to clear the way for immediate construction of the trans-Alaska pipeline, or to delay action while further study is made of alternative means of transportation, the most likely alternative being a trans-Canada pipeline.

Environmental groups want us to delay. They want more studies. They have presented some cogent, well-researched arguments to support their position.

I have paid close attention to those arguments for I have long been interested in conservation and environmental matters.

Before I came to Congress in 1958—well before general concern for the ecology blossomed in the late 1960's—I was a member of the board of the Western Pennsylvania Conservancy, a nonprofit corporation, and I also served as its legal counsel. I was a member of the board, an officer of, and legal counsel for the Pittsburgh Park and Playground Society, also a nonprofit corporation. I was also a member of the recreation, conservation, and parks council of the Allegheny Conference on Community Development. What I am saying, Mr. Chairman, per-

haps somewhat immodestly, is that before ecology became as popular as Mom's apple pie, I was there.

But on this issue, it seems to me that the relative environmental merits of the different systems of obtaining the North Slope oil are not all that clear. No system seems to me to be clearly superior environmentally. Meanwhile, we face an urgent energy crisis which has enormous international economic and diplomatic consequences.

The alternative which environmental groups want us to consider is a proposed trans-Canada pipeline.

But a trans-Canada route shares some of the same environmental hazards of the trans-Alaska route.

Conservationists have rightly pointed out that two-thirds of the 800 mile Alaskan pipeline would cross one of the most active earthquake zones in the world. But it is also true that any trans-Canada route would have to pass through a seismic zone of relatively major activity.

In either case, modern pipeline technology has demonstrated the ability to withstand severe earthquakes. In addition, numerous cutoff valves would be built into the system and would shut down the oil flow in the event that a rupture in the line would occur.

Moreover, the question of oil spills aside, any Canadian pipeline would transverse a route 1,700 miles long, more than double the length of the trans-Alaska route. As a scar on the landscape and as an interference with the natural ecology, a trans-Canada route would have the potential of causing an equal amount of damage.

A Canadian route also would have to cross many more major rivers, which endanger pipelines at flood stage. Also, the ditches needed to lay the many miles of pipe that will go underground—ditches that could be deadly traps for wildlife until they are closed over—would be more numerous along a Canadian route. So would the amount of earth and gravel that would need to be excavated, and so would the number of pumping stations upsetting the environment.

There are, then, environmental risks connected with the Alaskan pipeline—although many of the risks are shared, or exceeded by, the only alternative under discussion, the trans-Canada route.

It is my reluctant feeling that we must accept those risks at this time. Especially so in view of the fact that our Government can set and enforce the environmental standards for an Alaskan pipeline while we would have no direct control over construction in Canada.

However, I do not favor a unilateral statement by this Congress that the Alaska pipeline automatically meets environmental requirements. I do not favor that part of H.R. 9130 which states that the Interior Department's environmental impact study meets the requirements of the National Environmental Protection Act.

NEPA was set up to allow for judicial review of environmental impact statements. And we are entitled to have that review. We should not short circuit the process we set up in NEPA, but should allow it to be followed.

I, therefore, favor the Dellenback amendment to strike the language in the Alaska pipeline authorization bill which would settle the environmental question. The NEPA process calls for a judicial determination. Let us have it.

In retrospect, Mr. Chairman, it is my feeling that this whole matter could have been solved 5 years ago, soon after the startling North Slope strike was made. The oil industry could have brought the issue to Congress for a decision and by now we could be bearing the fruits of a finished pipeline, whether through Alaska or through Canada.

Instead, the oil industry sought to avoid a confrontation with environmentalist groups and tried to sidestep a political showdown in Congress. The result of their strategy was only to delay the inevitable and in the meantime this country's need for oil has grown dramatically.

Now, because of the 5 years that have been lost, time is a major factor in our decision. For it is a key fact that it would take 3 to 5 years longer to build a Canadian pipeline than the Alaskan pipeline. That is just construction time. Further delays could result because little of the necessary planning and paperwork has yet been done on a Canadian route. On the other hand, millions of dollars have already been invested in the preliminaries for the Alaskan route. Also, there has been no settlement of the Canadian Native claims, which must be resolved before construction could begin. There has been settlement of the Alaskan Native claims. Some say that the Canadian Native claims are not a serious obstacle in that country, but let us not forget that it took considerable time and effort to settle the Native claims issue in Alaska.

There are other arguments for proceeding immediately with the Alaskan pipeline.

The urgency of the energy crisis lies not only in our lack of domestic supplies, but in the fact that most of our imports come from the politically unstable Mideast. It seems unalterably true that, whatever we do, we are going to be increasingly dependent on Arab oil in the intermediate-term future, for only that part of the world has the resources to satisfy our requirements.

It is an unsettling thought that the United States could be subject to diplomatic and political blackmail by any state or group of states. That the United States could be at the mercy of an area of the world where governments are unstable, where hostilities have been frequent, where terrorism, assassination and hijacking are commonplace, is profoundly troubling. And that says nothing about the ability of the Middle Eastern States to demand financial as well as political concessions by pushing the price of their oil out of sight.

Any reasonable step that we can take to reduce our dependence on such uncertain supplies of oil should be taken. The Alaskan pipeline represents the quickest way to put a dent in that dependence and give us some small bargaining chip in our negotiations with oil-rich foreign countries. We need oil and we need it from our own reliable sources.

There are additional economic benefits that would flow from the Alaskan pipeline.

The Alaskan pipeline represents a plus in our balance-of-payments equation. By increasing our domestic supply of oil, we cut down on what we must pay for foreign oil. Investment in an Alaskan pipeline is an investment in the American economy. The Alaskan pipeline should prove a boon to that State's depressed economy. Some 22,000 jobs are expected to be created there in connection with the pipeline. A positive impact will result on the economy of the lower 48 States, where most of the supplies and materials for the pipeline will be purchased. The 27 new oil tankers needed for the water leg of the Alaskan route will also breathe some life into our shipyard construction industry.

On the other hand, on the side of efficiency, there are those who argue that a trans-Canada route is better because it will channel oil to the Midwest, where the greatest fuel shortages occur, and to the East, the area of second greatest need. The Alaskan pipeline, on the other hand, will send North Slope oil to the west coast, the area of least need. It is alleged, in fact, that the Alaskan route will result in some oil being shipped to Japan.

There is much to be said for this argument.

Altogether, Mr. Chairman, the Alaskan pipeline issue is most troubling. It involves complex technical factors which we, as nontechnicians, can only wrestle with and try to evaluate as best we can. We must depend on the information we receive, and we must hope that new investigations do not invalidate that information and render our judgments wrong.

Mr. Chairman, I believe the overriding considerations here are that we need oil, we need it quickly, we need to ameliorate the threat of bondage to foreign powers, we need to improve our balance of payments. There are environmental questions. There are environmental risks. We must proceed cautiously. But we must proceed. We cannot afford to delay and hope that an uncertain future will provide what we can never really have—certain answers. We have a bird in the hand. We cannot wait for two in the bush.

Ms. ABZUG. Mr. Chairman, the Alaska pipeline bill threatens the integrity of our environment and our legal system and is a blatant sell-out to the monopolistic oil industry. Designed to modernize outdated legislation and to expedite construction of the Alaska pipeline, the hastily assembled bill will achieve neither end. Instead, it will undoubtedly invite countless lengthy legal challenges to the several provisions of the bill on constitutional, civil, and administrative issues.

There are different interpretations regarding the existence, causes of and solutions to the energy crisis. In any event, I must oppose the bill. If I accept the severity of the oil shortage, I would reject H.R. 9130, because it encourages a

myriad of complex litigation and further delays the imperative delivery of Alaskan oil to "the lower 48". If I doubt its severity, I remain skeptical of the broad revisions of the Mineral Leasing Act and of placing the vast crude reserves and vital pipelines in the hands of a selfish, profit-seeking consortium.

Moreover, I question the wisdom of choosing the Alaskan route—which serves the self-sufficient west coast—over a Canadian route which is not only environmentally preferable but would alleviate the increasingly critical shortages in the Midwest and Northeast. This so-called choice was actually made several years ago in the board rooms of a few giant oil companies and actively promoted by the biased Interior Department. And by defeating the Dellenback and Udall amendments to this bill, the House has officially abrogated its decisionmaking power to the powerful oil lobbyists. Not only was an impartial study of the two alternative routes rejected today, but the environmental impact statement, which evaluated only the Alaskan route, was ignorantly approved as complying with the National Environmental Policy Act. Thus, in addition to allowing the monopolistic industry to make a congressional decision, this bill strikes a disastrous blow to our most vital piece of environmental legislation and authorizes an unconscionable denial of due process.

Furthermore, the Alaska pipeline bill guarantees the seven major oil companies, bound by cooperative agreements in the Alyeska consortium, effective control of the vast North Slope oil. Three of those companies—Arco, Exxon, and BP—own 95 percent of the proven reserves and 81.7 percent of the pipeline. Notwithstanding the fact that Arco and Exxon are among the giants named in the FTC antitrust complaint, the House again kowtowed to big oil by defeating both the divestiture amendment and the amendment to direct the Attorney General to conduct a special study of the antitrust aspects of the project. How can we expect to solve the energy crisis by placing nearly one-third of the Nation's known reserves in the hands of the same oil barons who might have prevented or alleviated the crunch, but found it more profitable to actually advertise the "crisis"?

In short, I oppose H.R. 9130. I cannot condone its exemption of the pipeline project from NEPA, its ban of judicial review, its sweeping revision of the Mineral Leasing Act, and its implicit protection of monopolistic business practices. In fact, the only provisions which I commend are the no-fault liability and affirmative action clauses. I am not opposed to bringing the Alaskan oil to the lower 48 as quickly as possible. However, the bill before us is neither wise nor expedient. The approval of this bill will wreak irreparable damage upon both an environment and a legal system which I sincerely cherish.

Mr. EDWARDS of California. Mr. Chairman, I will vote against final passage of the Alaskan pipeline bill. I believe that Congress is about to set a dangerous precedent in allowing itself to determine whether the environmental impact statement on the pipeline submitted by the Secretary of the Interior answered the questions raised under the National Environmental Policy Act. In addition, passage will compound this initially unwise action by barring further, proper judicial review of compliance with the requirements of NEPA.

In originally establishing NEPA, we deliberately placed the responsibility for making determinations about the environmental implications of major Government actions in the area where they could best be evaluated—the courts. To now decide through the legislative process that adequate study has been made of the proposed pipeline, that the Canadian alternative is less desirable and adequately investigated, and that there is no question that all the requirements of NEPA have been met, is a highly presumptive action on the part of the Congress. In our haste to respond to the shrill demands and strong-arm lobbying of major oil companies, we have threatened to emasculate our most important and basic environmental protection. For these reasons, I cannot in good conscience vote in favor of this legislation.

At the same time, I want to point out that I am not unaware of or unsympathetic to the needs and concerns of the American energy consumer. I understand very well that our present sources of energy are limited, that we will increasingly have to rely on the politically volatile Middle East nations for oil supplies, and that despite efforts to conserve presently available energy, we will have to develop new energy sources. The combination of these considerations means that the average American will be paying more for the energy he uses. He will also probably be paying more for goods produced with higher cost energy.

The Alaskan North Slope is a rich, new, valuable supply of oil that lies within the United States. I support its development, but I am very concerned about the transportation of the oil from its sources to the marketplace. I have serious questions about whether the Alaskan pipeline will, in fact, be a major part of the solution of our energy problems. The Alaskan route will deliver oil to the western United States, not the Midwest and the East where needs are most critical. More oil on the west coast will further increase the price differential that now exists between crude oil in the West and the Midwest/East. In addition, it is estimated that even with maximum output, the Alaskan pipeline will supply only 8 percent of the Nation's energy consumption. There are also rumors that the "temptation" will be great to ship surplus west coast oil to Japan rather than the eastern United States as it will be more profitable and easier. It is doubtful, therefore, that the Alaskan pipeline—as opposed to the Canadian route and other alternatives—will really solve our energy problems efficiently.

These reservations, combined with my very real concern about the environmental effects and implications of the Alaskan pipeline, are more than sufficiently important to require further study of both the economic and environmental aspects of this route. Again, I deeply regret that the final version of this legislation does not permit the opportunity to reexamine the extremely important questions raised under the National Environmental Policy Act. I am also particularly distressed that the legislation would suspend proper court review of compliance with the requirements of NEPA. The constitutional questions raised by the passage of this bill as well as the precedent we will have set for placing environmental priorities second to economic and political considerations I fear will be with us for a long and unhappy time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

Mr. DINGELL. Mr. Chairman, I wish to reserve a point of order to the committee amendment.

The Clerk read as follows:

H.R. 9130

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

TITLE I

SECTION 1. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended by striking out the following: ", to the extent of the ground occupied by the said pipeline and twenty-five feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon," and by inserting in lieu thereof the following ": *Provided*, That—

"(a) the width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary finds, and records the reasons for his finding, that in limited areas a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way;

"(b) a right-of-way may be supplemented by such temporary permits for the use of public lands in the vicinity of the pipeline as the Secretary finds are necessary in connection with construction, operation, maintenance, modification, repair, or termination of the pipeline, or to protect the natural environment or public safety;

"(c) rights-of-way and permits shall be subject to such terms and conditions as the Secretary shall prescribe regarding duration, survey, location, construction, operation, maintenance, use, and termination; the Secretary shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline; and the Secretary shall also comply with section 102 of the National Environmental Policy Act (83 Stat. 853; 42 U.S.C. 4332), and impose requirements that will prevent to the extent practical any adverse environmental impact, including but not llimted to requirements for restoration, revegetation, and curtailment of erosion of the surface of the land, and for protection of fish and wildlife and their habitat; and the Secretary shall report to the House and Sen-

ate Committe on Interior and Insular Affairs annually on the safety and environmental requirements imposed pursuant to this subsection;

"(d) permits and rights-of-way shall be limited to the shortest term practical;

"(e) in order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, each oil or gas right-of-way or permit issued pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185) shall reserve to the Secretary the right to grant additional rights-of-way or permits for compatible uses on or adjacent to the aforementioned oil or gas right-of-way under the same terms and conditions as prescribed in subsection (c);

"(f) the applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the grantee of a right-of-way or permit or the user thereof shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary.

"(g) the Secretary shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period;

"(h) the Secretary, by regulation, shall establish procedures, including public hearings, where appropriate, to give Federal, State and local government agencies and the public adequate notice and opportunity to comment upon right-of-way applications filed after the date this subsection becomes effective;

"(i) such rights-of-way shall contain.".

SEC. 2. Section 28 of the Mineral Leasing Act of 1920 is further amended by striking out ": Provided further, That no" and inserting "; (j) no".

SEC. 3. Section 28 of the Mineral Leasing Act is further amended by inserting after the words "common carriers" the additional words "for oil and gas produced on non-Federal lands and shall accept, convey, transport, or purchase without discrimination oil or gas delivered to the line".

SEC. 4. (a) Pipelines on public lands subject to this Act are subject to the provisions of the Gas Pipeline Safety Act of 1968.

(b) Quarterly, the Secretary of the Interior shall cause the examination of all pipelines and associated facilities on public lands and shall cause the prompt reporting of all leaks or potential leaks on such lands.

(c) The Secretary of the Interior shall report annually to the President, the Congress, the Secretary of Transportation and the Interstate Commerce Commission any potential dangers of or actual explosions or potential or actual spillage on public lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I rise to make a point of order against the committee amendment just read.

The CHAIRMAN. The Chair will hear the gentleman on his point of order.

Mr. DINGELL. Mr. Chairman, I note first that the rule did not waive points of order.

Mr. Chairman, I cite now rule XVI, clause 7, and I note particularly section 794 relating to germaneness which reads as follows:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

I note as follows, Mr. Chairman, that the committee amendment provides for the establishment of a three-judge court and establishes certain conditions with regard to review which are not found in the original bill.

I note for the assistance of the Chair, that that language is not only not found in the bill, but that language, in my view, at least under the Rules of the House of Representatives, had it been introduced as a separate piece of legislation, would have been referred to the Committee on the Judiciary.

I note further, Mr. Chairman, that the committee amendment as presented to us today provides also language relating to conditions of employment and civil rights of persons, and the duty of the pipeline company to hire without discrimination as to race or creed or color.

I note, Mr. Chairman, that legislation relating to that matter, were it introduced as separate legislation, would have properly under the Rules of the House of Representatives have been referred to the Committee on the Judiciary.

I make the further comment with regard to the point of order just raised, Mr. Chairman, citing now Cannon's Precedents, page 203 2(b), and I quote:

A specific subject may not be amended by a general provision even when of the same class.

Section 203 of the bill addresses itself to the relationship of NEPA to the bill and judicial review of the Secretary of the Interior's actions for compliance with NEPA. Specifically 203(d) of the bill limits judicial review on the basis of NEPA noncompliance.

Section 203(f) which was added by amendment, referred to earlier, is far broader in scope than section 203 as contained in the original bill.

Section 203(f) sets forth a unique procedure for judicial review of non-NEPA-related challenges.

Keeping in mind the fact that section 203(d) is itself part of an amendment and section 203(f) is a new provision as part of the same amendment it becomes clear that judicial review dealt with by section 203 of the original bill was limited to judicial review on the basis of NEPA.

The amendment, by incorporating the provisions found in section 203(f), deals with all forms of judicial review. Thus NEPA-related review is handled by the specific provision of section 203(d) and all other judicial review by section 203(f).

Therefore, the amendment is a general provision; that is, it deals with all forms of judicial review and is not germane to the specific provision found in the original bill which deals solely with judicial review on the basis of the National Environmental Policy Act.

I cite again Cannon's Precedents at page 203. I cite further with regard to the germaneness, now referring to page 202 in Cannon's Precedents that—

One individual proposition may not be amended by another individual proposition even though the two may belong to the same class.

The individual proposition in the original bill was that the Secretary of the Interior's actions were exempted from judicial review under NEPA.

The individual proposition contained in the amendment goes on to add that any other challenge to the right-of-way to which the United States is a party must be brought, according to subsection (f), to a three-judge district court referred to in the amendment.

These propositions are of the same class because both relate to judicial review.

The first proposition may be viewed as a negative proposition in that it exempts certain action from judicial review on the basis of NEPA.

The second is a positive proposition; it establishes a special tribunal and special procedures for non-NEPA-based court challenges.

I again refer the Chair to Cannon's Precedents on page 202.

I cite further, Mr. Chairman—

If a portion of an amendment is out of order because not germane, then all must be ruled out.

I would cite Cannon's Precedents at page 201. I would point out that—

The burden of proof as to the germaneness of a proposition has been held to rest upon its proponents.

The CHAIRMAN. Does the gentleman from Montana desire to be heard at this time?

Mr. MELCHER. I do, Mr. Chairman.

The gentleman from Michigan is raising a point of order on the basis of the germaneness of the entire bill, that is the entire committee amendment, but he refers to specific sections and his point of order should be limited to his reference to those sections.

He also refers to NEPA. The bill does not in any way intend to, nor does it in fact, amend the National Environmental Policy Act.

Mr. Chairman, I yield to the gentleman from Washington (Mr. MEEDS) to respond on the court challenges.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, the point has been made that all parts of the bill must be germane. The rule which the gentleman cites, rule No. XVI, clause 7 supports the principle that the rule applies to the proposition by which it is proposed to modify the pending bill and not to a portion of the bill itself. The portions which the gentleman is talking about are portions of the bill presently and not amendments to the bill. Were these being proposed as amendments on the floor then perhaps the point of order would stand but it does not as now stated.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard?

Mr. STEIGER or Arizona. Yes, Mr. Chairman.

I also refer the Chairman to the explanation of the rule as quoted by the gentleman from Michigan. I think the Chair will note the gentleman from Michigan is correct in that the rule of germaneness applies to amendments reported by committees as well as amendments offered on the floor, but I would call the Chair's attention to the second paragraph of the explanation and of the regulation as cited.

It points out that in a decision rendered by Chairman NATCHER on July 14, 1970, when offered as a separate paragraph does not require to be germane to the paragraphs immediately preceding or following.

I will submit to the Chairman if he would examine virtually all of the points raised by the gentleman from Michigan they would be found germane if this rule is applied.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

The gentleman from Michigan (Mr. DINGELL) makes the point of order the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs printed in the bill is not germane to the original bill on several grounds, one of which is that 203(f) of the committee amendment provides a procedure for expediting litigation of right-of-way, permit, or other authorization disputes in Federal courts which is not contained in the original bill.

The Chair has had an opportunity to examine the original bill and the committee amendment in the nature of a substitute, and notes that the original bill and the committee amendment both provide comprehensive schemes for the construction of the Alaska pipeline under the authority of the Secretary of the Interior. Both the bill and the committee amendment provide a series of safeguards to be followed by the Secretary in the issuance of permits and grants of rights-of-way. Included in the original bill—in section 203, is the prohibition against judicial review of any authorization granted by any Federal agency with respect to rights-of-way, construction, public land use, or highway or airfield construction on the basis of the National Environmental Policy Act of 1969.

This restriction against judicial review on the basis of environmental impact is also contained in section 203(d) of the committee amendment in a more limited form. Section 203(f) of the committee amendment then provides, in litigation not barred by section 203(d), a mechanism for expediting other actions challenging pipeline permits or authorizations.

On March 8, 1932, Chairman O'Connor ruled that to a bill restricting Federal court jurisdiction in certain cases, an amendment providing an exception from that prohibition was germane—Cannon's volume VIII, section 3024.

The Chair has also examined the decision of the present occupant of the chair on October 20, 1971 (CONGRESSIONAL RECORD, vol. 117, pt. 28, p. 37079) on the Alaska Native land claims bill, where, to a committee amendment seeking to accomplish a broad purpose by a method less detailed in its provisions, an amendment more definitive but relating to the same purpose implicit in the committee's approach was held germane.

For these reasons, and because committee jurisdiction is not the exclusive or absolute test of germaneness, the Chair is of the opinion that the provision in the committee amendment relating to the expediting of litigation involving the pipeline permits or authorizations is merely incidental to the purpose of the original bill and is indeed directly related to the concept of judicial review contained in the bill. With respect to the other provisions of the committee amendment to which the gentleman from Michigan has made reference, the Chair is of the opinion that they, too, are incidental to the overall purpose of the bill. The Chair holds that the committee amendment is germane and overrules the point of order.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I rise to a further point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DINGELL. Mr. Chairman, citing again the language used by myself with regard to the earlier point of order, I would point now to the specific language of the committee amendment at page 15, line 23(e), and all that follows through page 16, line 11, at the conclusion of the words "the Civil Rights Act of 1964."

Mr. Chairman, I would point out again the same arguments are available to me with regard to the first jurisdiction of committees. Second, with regard to the other matters cited by me earlier under the rules of germaneness as embodied in the rules and the precedents of this body, I would point out, Mr. Chairman, that where the language referred to in the amendment is part of a separate piece of legislation, it would have been referred again to the Judiciary Committee and not to the Committee on Interior.

I would point out further, Mr. Chairman, that this language is not found in the original bill, although it is found in the amendment. I would point out that again the failure of the committee to have that language in both the original bill and in the committee amendment renders the committee amendment subject to a point of order.

I would call particular attention of the Chair to the fact that the rule of germaneness was established by the wise men of this body throughout the years, that all Members of this body might have full notice of matters coming to the floor of the House and would not be surprised by matters which might be irrelevant to the jurisdiction of the committee which authored the legislation.

The rule of germaneness applies, Mr. Chairman, with equal validity to proceedings on the floor as well as to proceedings within the committee.

I again reiterate my point of order on the basis not only of matters cited by me now but cited by me in connection with the earlier point of order made by me.

The CHAIRMAN. Does the gentleman from Montana (Mr. MELCHER) desire to be heard?

Mr. MELCHER. I do, Mr. Chairman.

The title and section of the committee's amendment which the gentleman from Michigan refers to deals with construction of the Alaskan pipeline. Employment of people for that purpose is, indeed, part and parcel of the construction of the pipeline. The incidental feature of our committee handling and including such language in our amendment is only incidental to the bill.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

The Chair has just ruled that the committee amendment is germane, and the ruling that was given by the Chair is broad enough to now cover the point of order just made by the gentleman from Michigan.

Therefore, the Chair for the reasons previously stated overrules the point of order.

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

Mr. Chairman, I take this time simply to pursue some interrogation that was started under the general debate and which has not yet been cleared up at least in my mind. Therefore, I desire to direct further inquiry to any member of the committee who desires to answer.

My inquiry dealt with the question of the distribution of the oil in the normal market process, if it comes off the North Slope, and the manner in which that oil can reach all parts of the United States so as to eliminate any question or fear of a differential between the price of oil or the availability of assured supply west of the Mississippi or east of the Mississippi.

In pursuing that matter, there are questions of cost involved. I am wondering whether questions of cost differential on a pro forma projected basis are available.

For example, we have established in the colloquy that the differential in the pipeline as between an Alaska route and the proposed trans-Canada route would be an additional 900 miles. The differential in cost, obviously, would have to be passed on to the consumer. The question is, how much? The answer is, the estimate we have is of the cost of construction of the Alaska pipeline, which is $3.5 billion for 787 miles.

It is reasonable to assume, therefore, if we are going to go to 1,700 miles we would have to at least double that cost plus. I cite that only as one of the factors that needs to be considered on the question of cost at the delivery end.

In conjunction with that, one would have to consider also pro forma projections of cost on the basis of the proposed route coming from Alaska to a port of loading, to a port of debarkation by tankers for further distribution.

I just wonder whether those figures are available anywhere in the committee records.

That is the first question I need an answer to.

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

Mr. FASCELL. I am delighted to yield to the gentleman from Arizona.

Mr. UDALL. I am sure the answer to that question is in the hearings.

One of the problems we have is that in the mad rush to get the bill to the floor we never had time to get the hearings printed. I am not sure they are available today.

One of the points of confusion, which the pipeline proponents have pressed on us, is that they compare the cost of the 800-mile pipeline from Prudhoe Bay to Valdez with the 1,700 mile trans-Canadian pipeline going on to Edmonton and on down to the United States. They neglect the fact that the oil will not be burned at Valdez, but will be burned on the west coast or somewhere in the United States. The cost involved in the tanker fleet getting the oil from Valdez to the United States, or wherever the point of consumption might be, is conveniently left out.

Mr. FASCELL. I would be interested in the calculation, because I believe it is an essential factor.

Does the chairman of the subcommittee wish to respond to that question before I leave it?

Mr. MELCHER. I thank the gentleman for yielding.

The gentleman's point on the cost of construction of a pipeline of 787 miles as compared to one of 1,700 miles is good. It is obvious a 1,700-mile pipeline is going to cost more.

Mr. FASCELL. Excuse me, but is not a part of that trans-Canada pipeline presently in existence? All they are going to do is tie into it, if they go the trans-Canada route?

Mr. MELCHER. No.

Mr. FASCELL. It is a whole new pipeline.

Mr. MELCHER. The gentleman is speaking about the route through Canada. From Prudhoe Bay to get to Edmonton it would be an entirely new 48-inch construction of approximately 1,700 miles.

Mr. FASCELL. Does the gentleman agree with the gentleman from Arizona that somewhere in the record there is a cost projection on a pro forma basis?

Mr. MELCHER. Yes, there is and here is the printed committee record.

Mr. FASCELL. I thank the gentleman.

On the Alaska pipeline, the port of delivery is Valdez. To get to the continental United States it is proposed to use tankers to bring it to the port of entry that can handle the oil; is that correct?

Mr. MELCHER. Well, it is envisioned that it would go to a number of west coast ports.

Mr. FASCELL. The nearest one to the point of termination of the pipeline is where?

Mr. MELCHER. Mr. Chairman, it will go up and down the coast, and it would not all be in the Puget Sound area. We would not get all the oil there.

Mr. FASCELL. I understand that. But what is the nearest point? Perhaps the gentleman from Washington (Mr. MEEDS) could answer that.

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

Mr. FASCELL. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, the nearest port of entry is Cherry Point in Washington State.

Mr. FASCELL. Cherry Point in Washington State. Is that the terminal port of the existing trans-Canadian pipeline?

Mr. MEEDS. Yes.

The CHAIRMAN. The time of the gentleman from Florida (Mr. FASCELL) has expired.

(On request of Mr. MELCHER, and by unanimous consent, Mr. FASCELL was allowed to proceed for 2 additional minutes.)

Mr. FASCELL. Mr. Chairman, I thank the gentleman for getting me the additional time, because that will greatly help me in developing a few points I have in mind.

Mr. Chairman, I will ask the gentleman from Washington this question:

What is the distribution method out of Cherry Point to the rest of the country for oil delivered there?

Mr. MEEDS. Mr. Chairman, it would be by tanker, by tank car, and by truck.

Mr. FASCELL. No pipeline?

Mr. MEEDS. There is a pipeline, but it is for local products, and it is all within at least the two States, Washington and Oregon. It would not go further than that, to my knowledge.

Mr. FASCELL. Mr. Chairman, the reason I asked that question is this:

In an earlier colloquy I was left with the impression that it would be possible for a tanker at Puget Sound, if need be, to be loaded and deliver the oil to a terminal so that it could be delivered to Chicago and other points in the Midwest by an existing trans-Canada pipeline.

What the gentleman is saying right now is that this is not feasible?

Mr. MEEDS. Mr. Chairman, the gentleman is correct. That is not feasible because such a pipeline does not exist at the present time.

Mr. FASCELL. So it would have to be accomplished by existing methods within the United States, just by tankers, tank cars, and that is it?

Mr. MEEDS. And by pipeline to certain parts of the United States, but not to the section you are inquiring about.

Mr. FASCELL. So if we are going to deliver oil on the west coast by tanker, in order to get it to the east coast would it be cheaper to deliver it by tank car, by rail, or by going around the Horn, or by some other method?

Mr. MEEDS. I assume that if we could get it in large enough quantities to take it through the Panama Canal, it would be cheaper.

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

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

Mr. VIGORITO. Mr. Chairman, oil going to the west coast now from whichever source could be diverted to the east coast from the west coast, and oil coming down from Alaska could feed the west coast. And before somebody raises the issue relative to oil coming from Sumatra, it is just as far from Sumatra to San Francisco as it is from Sumatra to New York, because if I recall correctly the world is round.

The CHAIRMAN. The time of the gentleman from Florida (Mr. FASCELL) has again expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. FASCELL was allowed to proceed for 2 additional minutes.)

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

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

Mr. SEIBERLING. Mr. Chairman, I am a member of the committee, and I have done what reading I could on this subject. As I understand the economics of this, not one drop of this oil is going to benefit any part of this country but the west coast, and the reason is cost.

The gentleman from Arizona (Mr. UDALL) has elaborated upon that somewhat. That is the reason why the people from the Midwest are concerned about the alternative proposal to the Alaskan pipeline.

The cost of hauling oil over the Rockies is prohibitive; the cost of running a tanker around Cape Horn is prohibitive. There are no supertankers that can go through the Panama Canal. So we are faced with either getting no benefit for the rest of the country, or else we are faced with paying for the oil at an astronomical increase in cost.

Mr. Chairman, this is one of the real reasons why we ought to adopt the Udall amendment and have a serious study made, not a biased study, of the problem.

Mr. FASCELL. Mr. Chairman, I was not leading to that. However, the gentleman is dealing with some of the questions that have arisen in my mind.

Does the gentleman care to comment upon what the effective displacement would be relative to availability of assured supply east of the Mississippi?

Mr. SEIBERLING. Mr. Chairman, the west coast by the time this pipeline is in production, will be in a position of having surplus oil. The rest of the country is using all the oil that it can produce.

Mr. FASCELL. Mr. Chairman, there is Venezuelan oil coming in and going west of the Mississippi. Why could that not be diverted east of the Mississippi?

We have a full supply coming out of Canada to points west of the Mississippi. Why could not some of that be diverted east of the Mississippi?

Mr. SEIBERLING. Mr. Chairman, I am sure some of it might be, but as I understand the economics of the situation the Alaskan oil is going to go to the area of the country which is a surplus area.

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

Mr. Chairman, I take this time to advise Members that I have received a letter from the President of the United States which I would like at this time to read for the benefit of the Members of the House.

THE WHITE HOUSE,
Washington, D.C., August 1, 1973.

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

DEAR MR. SPEAKER: As the House moves toward final consideration of legislation to

remove the present legal impediment to the construction of the proposed Trans-Alaska Pipeline, I want to share with you my view that prompt construction of this pipeline is of great importance to the National interest of the United States.

As you know, the oil discoveries on the North Slope of Alaska represent our largest untapped domestic source of crude oil. The North Slope, when developed, will provide two million barrels of oil daily. This volume of oil, and such additional amounts of oil and gas as will be realized from future North Slope development, will make a vital contribution to both our economic well-being and our national security interests. However, exploration and development of these resources have come to a virtual halt pending approval of construction of the Trans-Alaska Pipeline.

The Department of the Interior has given very careful and detailed attention to the environmental issues posed by the Trans-Alaska pipeline proposal. The Secretary of the Interior will assure that all necessary precautions are taken to protect the environment throughout construction and operation of the pipeline.

I am gratified that both the version of the legislation passed by the Senate and the bill reported by the House Interior Committee explicitly concur that the Department of the Interior has complied with the spirit and letter of the National Environmental Policy Act. I am certain that the members of both Houses of the Congress who have supported this position share with me the view that this action is appropriate and necessary in light of the unique circumstances surrounding this issue, and that this action cannot properly be construed as a precedent for other exemptions from full judicial reviews under the National Environmental Policy Act.

I therefore urge that the House give its approval to this needed legislation without further delay and that the Congress take final action before the August recess to permit construction of the pipeline as soon as possible.

Sincerely,

RICHARD NIXON.

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

Mr. Chairman, I look forward to a vigorous debate on the issues that are posed by this bill this afternoon, but I hope the result of this debate is not going further to impair our relationship with our sister country, Canada.

I came into the Chamber earlier today and was astonished to hear the minority leader refer to the Government of Canada as an unfriendly government.

I cannot believe that there are many Members of this House who share that view. Certainly no one who met with the Members of the Canadian Parliament——

Mr. STEIGER of Arizona. Will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I will say this. I know the gentleman's penchant for accuracy, and I can only assume when he came into the Chamber he must have misunderstood. What the minority leader said was if we were to be dependent upon Canadian oil, we would be leaving ourselves at the mercy of an unfriendly nation, meaning some other power, to find the oil.

I can understand the gentleman may have misconstrued that, but believe me, that was the context and the thrust of what the minority leader said.

If you would like to have it, I would be happy to have the reporter read it.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. FRASER. I will be happy to yield to the minority leader, because I still do not understand the explanation offered by the gentleman from Arizona, and I hope that the gentleman from Michigan will clarify the RECORD, because I think we share an interest in having the RECORD clear.

I think it is in our interest to have the RECORD clear.

Mr. GERALD R. FORD. If the gentleman will yield, let me clarify what I said, and I was just reading my remarks, so I am quite familiar with what was said and reported.

I said it would be under the control of a foreign government that could be unfriendly. I am going to be very careful in correcting the remarks to make sure and say that in the past and at the present Canada and the United States have been friendly. But I hasten to add that a radical government in Canada, it being a foreign power, could take precipitous actions that would result in the cutting off of our Alaskan oil coming over the Canadian pipeline into the United States.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, I thank our good friend, the gentleman from Minnesota (Mr. FRASER) for clarifying this point. It has always amazed me in this debate, that some of our colleagus talking about Canada, our great neighbor, ally, and friend, and the one nation in the world I would put my trust in more than any other—rather than talking about possible hostility of Canada. Would they rather have our fate in the hands of the Arab sultans of the Persian Gulf?

Mr. FRASER. And would the gentleman not also include the proposed exploitation of natural gas in Siberia, in the process of which we would be dependent upon the Soviet Union?

Mr. UDALL. That is correct.

The main gas and oil pipeline which serves the industrial heartland of Canada takes Canadian oil from central and western Canada and runs it down through Michigan and Ohio, and the East, and then back up into Canada.

So if they ever wanted to give us trouble we have got a knife at their throats in the same way they have a knife at ours.

Mr. GERALD R. FORD. Mr. Chairman, would the gentleman yield further?

Mr. FRASER. On the point of where the pipeline runs?

Mr. GERALD R. FORD. On the point the gentleman from Arizona made.

The Canadian Government as of June 14 has embargoed Canadian oil coming into this country, including the State of Michigan. We are no longer getting that oil. If they can do it under current circumstances then they can do it under a trans-Canadian pipeline built to transport U.S. oil from Alaska to the United States.

Mr. FRASER. I must say in response to the gentleman from Michigan that the gentleman really is not being fair. I happened to have been in Tokyo when we embargoed the shipment of soybeans, and the reason we did that was because we were facing a national shortage. Canada is facing the same problem with respect to Canadian oil. But they regard the possible construction of the Mackenzie Valley route as a land bridge for bringing Alaskan oil to the United States. This does not involve the shipment of Canadian oil. And the gentleman is being quite unfair to the Canadian Government to say that they would try to physically intercept that oil across what they, in their own words, term a land bridge for the shipment of oil.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield, if we continue the line expressed by the gentleman from Michigan as to future relationships with our good friend and neighbor to the north, then it will become a self-fulfilling prophecy.

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

Mr. Chairman, I would like to carry on my point I made, the point that this bill deals with the Alaskan pipeline and nothing else.

Mr. DINGELL. Mr. Chairman, has the gentleman read title I and title II?

Mr. VIGORITO. I was going to say as far as title I.

Mr. DINGELL. If the gentleman does read it he will find that the bill has two titles.

Mr. VIGORITO. The gentleman did not give me a chance to complete my statement.

Mr. DINGELL. I am delighted to give the gentleman a chance.

Mr. VIGORITO. Title I is the Mineral Act amendments, and title II deals with the Alaskan pipeline.

I would like to inform the House that we are not debating the Alaskan pipeline versus the Canadian pipeline, or whether the Canadian Government is a friendly government or not a friendly government. We have to have that oil, and the quickest way to get that oil is by the Alaskan pipeline route, and no other way of construction is involved.

We need that oil. We have 15 million barrels a day now, which is not sufficient.

In 4 or 5 years we are going to need 2.4 million barrels above what we need right now just to stay even, and 2 million barrels are going to fall far short of meeting our requirements.

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

Mr. VIGORITO. I yield to the gentleman from Minnesota.

Mr. FRASER. Will the gentleman agree that the Alaskan pipeline is being pushed by exactly the same companies that up until as recently as 10 or 12 months ago were arguing for maintenance of quotas against the import of foreign oil?

Mr. VIGORITO. That is correct, but that does not take us from the fact that we are facing a crisis, a disaster. Regardless of what we do, we have a disaster staring us in the face. Regardless of what we fail to do, we have a disaster staring us in the face. We do not realize the tremendous increase in energy that this country is going to demand in the next 10 to 15 years. Where is the oil

going to come from? We do not know. Not only do we have a tremendous demand on the world's oil supply, but so does Europe and Japan.

So let us get on and let us discuss the Alaskan pipeline. Let us pass this bill as quickly as possible.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 8, line 18, strike out "include but are not limited to" and insert in lieu thereof "means".

Mr. DINGELL. Mr. Chairman, I have an amendment at the desk which appears in the RECORD of July 31, 1973 at page 27052.

Title I of H.R. 9130 would amend section 28 of the Mineral Leasing Act to give the Secretary of the Interior broad authority to grant pipeline rights-of-way in and across all of the public lands and forest reserves throughout Alaska and the United States. This proposal by the Department of the Interior simply aids and abets the greed of the oil industry in its efforts to use the Alaska pipeline and the energy crisis as the excuse for acquiring authority to devastate the forests and public lands of our Nation.

Please note, also, that the bill would not only authorize rights-of-way for pipelines, but also would encompass a wide variety of what the bill terms "related facilities." The bill's amended section 28(a) defines these related facilities to "include but . . . not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads and campsites." It even provides that such facilities "need not necessarily be connected or contiguous to the pipe." The use of the phrase "include but . . . not limited to" would appear to permit numerous other kinds of facilities even though they are not listed in the amended section 28(a).

I think it is a mistake to give such open-ended and unfettered authority to the Secretary to dispose of Federal lands. It may be argued, for example, that the phrase "include but . . . not limited to" would also authorize the use of large amounts of land for airports, whether or not they are connected or contiguous to the pipeline. On the other hand, it should be noted that H.R. 9130 as initially introduced on June 29 specifically names "airports"—page 2, line 15—as included in the term "related facilities." That bill also included a reference to "airfield or airstrip" in section 203(d) of title II relating to the trans-Alaska pipeline—page 6, line 10. These references to "airports," "airfield," "airstrip" were deleted by the Public Lands Subcommittee when it reported the bill to the full Interior Committee on July 17, 1973, and the full committee concurred in such deletion. I now raise the question: Are airports included or not included? I therefore, propose the following amendments:

An amendment to restrict the "related facilities" which may be included in a pipeline right-of-way under section 28 to those facilities specifically named in the statute.

AMENDMENT A

In section 1 of title I of H.R. 9130, in the second sentence of the new paragraph (a) of section 28 of the Mineral Leasing Act (page 8, line 18), delete the phrase "include but are not limited to," and insert in lieu thereof "means."

In the event the House does not adopt the foregoing amendment A, I propose the following amendment to make clear that airports and airstrips are not included within the phrase "related facilities:"

ALTERNATIVE AMENDMENT B

In section 1 of title I of the bill, in the second sentence of new paragraph (a) of section 28 of the Mineral Leasing Act (page 8, line 21), insert the phrase "but not including airports or airstrips," immediately after "campsites,".

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

Mr. Chairman, this amendment would confine "related facilities" to those named in section 1(a) which includes valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, and campsites. The phrase "but not limited to" was included only to permit inclusion of other necessary but presently unknown "related facilities."

It was not intended to include airports as this was deleted by the subcommittee. For example secondary feeder or gathering lines from storage tanks are not specifically named but are absolutely necessary for the operation of the pipeline. This is the type of facility the language is intended to cover. It is not intended to be devious and it is not intended to cover airports.

The amendment should be defeated.

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

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

Mr. STEIGER of Arizona. Mr. Chairman, I associate myself with the position of the gentleman from Montana.

I point out the language offered by the gentleman from Michigan would actually leave out possibly some very positive innovative situations, for example the caribou overpass, if that should come to pass or some sort of thing which would aid the environment. The gentleman from Michigan would preclude that. I think the chairman of the subcommittee has made an excellent point.

Mr. Chairman, I hope we defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 9, strike out line 6 and insert in lieu thereof the following:

"(c)(1) no right-of-way or permit shall be granted by the Secretary in, across, under, or through any area of the National Park System, the National Wildlife Refuge System, or the National Wilderness System, unless the laws providing for the establishment and administration of such areas specifically authorize such right-of-way or permit, and unless the Secretary finds, and publishes such findings together with all other findings made by him under this section, that such right-of-way or permit is in accord with the public interest, will not interfere with the uses and purposes to which such area is dedicated, and is consistent with the requirements of the statute authorizing such right-of-way or permit, and that if it harms the environment or any use or purpose to which such area is dedicated, there is no feasible and prudent alternative to such right-of-way or permit, and all possible measures to minimize the resulting harm have been taken or are planned; and

"(2) rights-of-way and permits shall be subject to * * *

Mr. DINGELL. Mr. Chairman, this amendment was explained in the CONGRESSIONAL RECORD of July 31, 1973, at page 27052.

Mr. Chairman, this amendment amends title I. Title I, I tell you, my colleagues, authorizes rights-of-way across any public lands belonging to the United States anywhere inside the United States. This amendment deals with the title of the bill which is general in character and which refers to all public lands situated everywhere in the country and does not limit itself solely to the trans-Alaska pipeline as some might have one believe. This amendment does not say that pipelines will not be built but it says that in the instance of certain very important areas upon which the Congress has spoken and which the Congress has set aside for specific purposes, and I refer to the national parks system, the national wildlife refuge system, and the national wilderness system, that permits will not be granted unless the Secretary finds and publishes his findings together with other findings made by him under this section that such right-of-way or permit is in accord with the public interest, and will not interfere with the uses and purposes to which such area is dedicated and is consistent with the requirements of the statute authorizing such right-of-way or permit, and that if the action is taken, if it harms the environment, that there is no feasible or prudent alternative to such action, the Secretary not grant the permit.

Remember, this amendment refers to the title I which deals with pipeline rights of way, not just in Alaska, but everywhere inside the United States. When we are told that this language would facilitate, or rather that the language of the committee amendment would facilitate the construction of a pipeline in Alaska. Remember that title I sanctifies a raid on the public domain anywhere in the United States.

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

Mr. DINGELL. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, is it not a fact that under existing law, there have not been any abuses?

Mr. DINGELL. No, it is not a fact. As a matter of fact, my committee has held hearings with respect to pipeline construction and similar raids upon wildlife refuges which were under the jurisdiction of my subcommittee, and have found many outrageous circumstances. The

purpose of this amendment is to prevent a repealer of the safeguards which the Congress has repeatedly established over National Refuge systems. It says that the same safeguards will apply with regard to the National Parks and National Wilderness Systems inside the lower 48 and in Alaska.

Do not be deceived.

Mr. HOSMER. Mr. Chairman, I would like to point out that even though the gentleman's committee may have looked into some of these matters, the committee has not produced legislation.

Mr. DINGELL. On the contrary. I would be glad to show the gentleman the legislation which we have proposed and have had enacted into law. On the contrary, the gentleman has voted on a number of occasions for bills dealing with protection of the refuge system against this very kind of raid.

Mr. HOSMER. The legislation proposed to be in this bill at this particular time——

Mr. DINGELL. I would suggest that I will hand the gentleman a copy of my amendment and urge him to read it. He will find that it simply affords protection to refuges, wildlife areas, and national parks in the lower 48, and it does not prevent construction of the trans-Alaska pipeline.

Mr. HOSMER. I have read the amendment. It was offered in the committee and rejected.

Mr. DINGELL. That is all the more reason why the House should overrule the committee.

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

This bill does not change existing law concerning the lands that are covered by section 28. It is the same, and has been this way for 50 years. The committee considered this amendment in committee and rejected it.

Under the existing laws that the gentleman from Michigan refers to there is no such language specifically granting such authorization. The amendment, therefore, is to prohibit such grants in all cases. It should be vigorously opposed because there is no need for such a blanket prohibition.

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

Mr. MELCHER. I yield to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I made this amendment available to the gentleman, and I challenge him to show me where in that amendment there is a prohibition against construction of the trans-Alaska pipeline. The amendment is simply a requirement for certain safeguards and findings by the Secretary before there is a grant of use of public lands, national parks, national wildlife refuges and national wilderness system areas, not only in Alaska but elsewhere under this bill. Remember this bill is not just for Alaska but sanctifies raids on the public domain not only in Alaska but everywhere in the 50 States.

Mr. MELCHER. I thank the gentleman for his comment, but I repeat, the committee has had under consideration his amendment. We found that we are not changing the law that has stood for 50 years regarding what lands we are covering. We find no evidence that the amendment is necessary.

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

Mr. MELCHER. I yield to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I direct myself to the gentleman from Michigan to show when and where this constitutes prohibition. All one needs to do is look at the provisions of the amendment, which says, "Laws for the establishment and administration of such areas are specifically authorized of which rights-of-way are permitted." In other words, there were two conditions. Since none of these provisions initially authorize national wildlife systems are presently law, and there is no authorization in any one of them for a pipeline, then this effectively constitutes an absolute prohibition against any pipeline in those areas.

Mr. RONCALIO of Wyoming. Mr. Chairman, I rise reluctantly to speak against the amendment.

Mr. Chairman, I said "reluctantly" because I do not like to oppose the eminent chairman of the committee which deals with fisheries and wildlife. He is a friend of my State, and has worked to protect the habitat of some of the finest elk, antelope, and deer in the world, to protect Yellowstone National Park and Teton National Park, and probably will help to keep them both as sacrosanct as we can.

Mr. Chairman, if I believed that this title I was a raid upon the public domain, I certainly could not support it. It is not a raid upon the public domain any place. Any application with respect to a pipeline heretofore, or after this, will be considered under existing law with its many safeguards against abuse or degradation to parks.

The amendment, as I remember the action in the committee, contained language about national grasslands and included forests that are not now included. I simply could not support it in the committee for that reason.

I urge my colleagues to reject the amendment, because this is not a raid on the public domain.

There is no illusion about this. The title itself says this is "A bill to amend section 28 of the Mineral Leasing Act of 1920". It does not say it is a bill to build the Alaska pipeline, period. There is nothing deceiving about it.

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

Mr. Chairman, I should like to say that an amendment similar to this was offered in the committee and received considerable support in the committee. I am inclined to support the gentleman's amendment. It is not as broad as the amendment which was offered in the committee, which raised a question about all the forest lands of the United States. This amendment does not.

I believe the chairman of the subcommittee is entirely correct in saying that the original law permits as broad a coverage as the present committee bill, but I do not see that that goes to the merits of the question of whether pipelines should be permitted to cross parts of national parks, national wildlife refuges, or the national wilderness system.

I support the amendment.

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

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

Mr. SEIBERLING. I am one of those who supported a similar amendment in the committee, and I tried to make it much broader than the one the gentleman from Michigan offered today.

The way this bill is written, one could run a pipeline across Yosemite, Yellowstone, any wildlife refuge or any National Park. It seems to me that goes far beyond the purpose of this bill. This bill is being sold as an Alaska pipeline bill, regardless of what the title says, yet here we are tinkering with the whole National Park and Wilderness System.

It seems to me the gentleman's amendment is a very modest effort to try to prevent that from happening.

Mr. BINGHAM. The gentleman is entirely correct.

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

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

Mr. DINGELL. This title of the bill authorizes a pipeline, camp ground, tank storage facility, airport or anything else in any national park anywhere in the United States. If Members do not believe that, I commend to them a careful reading of title I.

The purpose of this amendment is to say they cannot build such a pipeline in a national park, a unit of the National Refuge system or a unit of the National Wilderness system without certain careful findings being made by the Secretary of the Interior for the protection of the area concerned.

The gentleman from Wyoming and the gentleman from Montana apparently have not chosen to read their own bill. I suggest they do so.

Mr. BINGHAM. Mr. Chairman, I support the gentleman's amendment, but I would not want to be construed as agreeing to everything the gentleman has just said, because that might make bad legislative history.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and on a division (demanded by Mr. DINGELL) there were—ayes 24, noes 64.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 261, not voting 12, as follows:

[Roll No. 419]

AYES—160

Abzug	Bennett	Brown, Mich.
Anderson, Calif.	Bergland	Brown, Ohio
	Biaggi	Buchanan
Anderson, Ill.	Biester	Burke, Calif.
Andrews, N.C.	Bingham	Burke, Mass.
Andrews, N. Dak.	Blatnik	Burton
	Boland	Carey, N.Y.
Annunzio	Brademas	Carney, Ohio
Ashley	Brasco	Chisholm
Aspin	Breckinridge	Clay
Badillo	Brinkley	Cleveland
Bafalis	Brown, Calif.	Cohen

Collins, Ill.	Jordan	Rinaldo
Conte	Karth	Robison, N.Y.
Conyers	Kastenmeier	Rodino
Cotter	Koch	Roe
Coughlin	Kyros	Roncallo, N.Y.
Culver	Lehman	Rose
Dellums	Lent	Rosenthal
Denholm	Long, Md.	Roush
Diggs	McCloskey	Roy
Dingell	McDade	Roybal
Donohue	Macdonald	Ryan
Drinan	Matsunaga	St Germain
Dulski	Mayne	Sarbanes
du Pont	Mazzoli	Saylor
Eckhardt	Metcalfe	Schroeder
Edwards, Calif.	Mezvinsky	Seiberling
Esch	Miller	Stanton,
Evans, Colo.	Minish	J. William
Fish	Mink	Stanton,
Ford,	Mitchell, Md.	James V.
William D.	Moakley	Stark
Fraser	Moorhead, Pa.	Steele
Frenzel	Morgan	Steelman
Gaydos	Moss	Stokes
Gibbons	Murphy, Ill.	Studds
Gilman	Nedzi	Sullivan
Grasso	Obey	Symington
Green, Pa.	O'Hara	Thompson, N.J.
Griffiths	Owens	Thomson, Wis.
Gude	Patten	Thone
Gunter	Pickle	Tiernan
Hamilton	Pike	Udall
Harrington	Podell	Van Deerlin
Harsha	Preyer	Vander Jagt
Harvey	Price, Ill.	Vanik
Hays	Pritchard	Vigorito
Hechler, W. Va.	Quie	Waldie
Heckler, Mass.	Randall	Whalen
Heinz	Rangel	Wolff
Helstoski	Rees	Yates
Holtzman	Reid	Yatron
Howard	Reuss	Young, Fla.
Hungate	Riegle	Young, Ga.

NOES—261

Abdnor	Dennis	Ichord
Adams	Dent	Jarman
Addabbo	Derwinski	Johnson, Calif.
Alexander	Devine	Johnson, Colo.
Archer	Dickinson	Johnson, Pa.
Arends	Dorn	Jones, Ala.
Armstrong	Downing	Jones, N.C.
Ashbrook	Duncan	Jones, Okla.
Baker	Edwards, Ala.	Jones, Tenn.
Barrett	Eilberg	Kazen
Beard	Erlenborn	Keating
Bell	Eshleman	Kemp
Bevill	Fascell	Ketchum
Blackburn	Findley	King
Boggs	Flood	Kluczynski
Bolling	Flowers	Kuykendall
Bowen	Flynt	Landrum
Bray	Foley	Latta
Breaux	Ford, Gerald R.	Leggett
Brooks	Forsythe	Litton
Broomfield	Fountain	Long, La.
Brotzman	Frelinghuysen	Lott
Broyhill, N.C.	Frey	Lujan
Broyhill, Va.	Froehlich	McClory
Burgener	Fulton	McCollister
Burke, Fla.	Fuqua	McCormack
Burleson, Tex.	Gettys	McEwen
Burlison, Mo.	Giaimo	McFall
Butler	Ginn	McKay
Byron	Goldwater	McKinney
Camp	Gonzalez	McSpadden
Carter	Goodling	Madden
Casey, Tex.	Green, Oreg.	Madigan
Cederberg	Gross	Mahon
Chamberlain	Grover	Mailliard
Chappell	Gubser	Mallary
Clancy	Guyer	Mann
Clark	Haley	Maraziti
Clausen,	Hammer-	Martin, Nebr.
Don H.	schmidt	Martin, N.C.
Clawson, Del	Hanley	Mathias, Calif.
Cochran	Hanrahan	Mathis, Ga.
Collier	Hansen, Idaho	Meeds
Collins, Tex.	Hansen, Wash.	Melcher
Conable	Hastings	Michel
Conlan	Hawkins	Milford
Corman	Hébert	Minshall, Ohio
Crane	Henderson	Mitchell, N.Y.
Cronin	Hicks	Mizell
Daniel, Dan	Hillis	Mollohan
Daniel, Robert	Hinshaw	Montgomery
W., Jr.	Hogan	Moorhead,
Daniels,	Holifield	Calif.
Dominick V.	Holt	Mosher
Danielson	Horton	Murphy, N.Y.
Davis, S.C.	Hosmer	Myers
Davis, Wis.	Huber	Natcher
de la Garza	Hudnut	Nelsen
Delaney	Hunt	Nichols
Dellenback	Hutchinson	Nix
O'Neill	Schneebeli	Veysey
Parris	Sebelius	Waggonner
Passman	Shipley	Walsh
Patman	Shoup	Wampler
Pepper	Shriver	Ware
Perkins	Shuster	White
Pettis	Sikes	Whitehurst
Peyser	Sisk	Whitten
Poage	Skubitz	Widnall
Powell, Ohio	Slack	Wiggins
Price, Tex.	Smith, N.Y.	Williams
Quillen	Snyder	Wilson, Bob
Railsback	Spence	Wilson,
Rarick	Steed	Charles H.,
Regula	Steiger, Ariz.	Calif.
Rhodes	Steiger, Wis.	Wilson,
Roberts	Stephens	Charles, Tex.
Robinson, Va.	Stratton	Winn
Rogers	Stubblefield	Wright
Roncalio, Wyo.	Stuckey	Wyatt
Rooney, Pa.	Symms	Wydler
Rostenkowski	Talcott	Wylie
Rousselot	Taylor, Mo.	Wyman
Runnels	Taylor, N.C.	Young, Alaska
Ruppe	Teague, Calif.	Young, Ill.
Ruth	Teague, Tex.	Young, S.C.
Sandman	Thornton	Young, Tex.
Sarasin	Towell, Nev.	Zablocki
Satterfield	Treen	Zion
Scherle	Ullman	

NOT VOTING—12

Davis, Ga.	Hanna	Rooney, N.Y.
Evins, Tenn.	Landgrebe	Smith, Iowa
Fisher	Mills, Ark.	Staggers
Gray	O'Brien	Zwach

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there additional amendments to be proposed to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

SEC. 201. This title may be cited as the "Trans-Alaskan Pipeline Authorization Act".

SEC. 202. The Congress finds and declares that—

(a) The early delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest.

(b) Transportation of oil by pipeline from the North Slope to Valdez, and by tanker from Valdez to domestic markets, will best serve the immediate national interest.

(c) A supplemental pipeline to connect the North Slope with a trans-Canadian pipeline may be needed later, and it should be studied now, but it should not be regarded as a substitute for a trans-Alaskan pipeline that does not traverse a foreign country.

(d) The actions of the Secretary of the Interior heretofore taken with respect to the proposed trans-Alaskan oil pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969.

SEC. 203. (a) The Secretary of the Interior is hereby authorized and directed to grant, in accordance with the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act, but without the notice required by subsection 28(g), and without further action under the National Environmental Policy Act of 1969, notwithstanding the compliance requirement of subsection 28(c), and notwithstanding the provisions of any law other than said section 28 and this title II, such rights-of-way and permits as he finds necessary for the construction, operation, and maintenance of a trans-Alaskan oil pipeline.

(b) The route of the trans-Alaskan oil pipeline shall follow generally the route described in applications pending before the Secretary of the Interior on the date of this Act, except as this may be modified by the Secretary of the Interior or his designated representative to provide during construction greater environmental protection.

(c) The Secretary shall include in rights-of-way and permits granted pursuant to this title II terms and conditions that will in his judgment mitigate any adverse environmental impact. In such rights-of-way and permits, the Secretary shall also include terms and conditions providing for—

(1) liability on the part of the permittee or grantee to any Alaska Native or Native organization for injuries or damages sustained, arising from or growing out of any activity conducted by the holder of such rights-of-way or permits without regard to—

(A) whether the injury or damage complained of is due to negligence on the part of such holder; or

(B) ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by such Alaska Native or Native organization for subsistence or economic purposes;

(2) determination of claims for injury or damages by such Alaska Native or Native organization by arbitration or judicial proceedings; and

(3) the provision, upon order of the Secretary or his delegate, by the holder of such rights-of-way or permits, of emergency subsistence and other aid to an affected Alaska Native or Native organization pending expeditious filing of, and determination of, a claim.

Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of the preceding sentence but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that sentence with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, care, maintenance, or operation of facilities, or in other activities, under rights-of-way or permits issued to the State.

(d) No rights-of-way or permit which may be granted by the Secretary of the Interior under this title II, and no permit or other form of authorization which may be granted by any other Federal agency with respect to construction of the trans-Alaskan oil pipeline, and no public land order or other Federal authorization with respect to the construction of a public highway between the south bank of the Yukon River and Prudhoe Bay and generally parallel to the pipeline shall be subject to judicial review on the basis of the National Environmental Policy Act of 1969.

(e) The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under any permit, right-of-way, public land order, or other Federal authorization granted or issued under this title. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

(f) Notwithstanding any other provisions of law, any action or proceeding involving any right-of-way, permit, or other form of authorization granted with respect to the construction of the trans-Alaskan pipeline, to which the United States, any department, agency, or instrumentality of the United States, or any officer or employee of the United States, is a party, and which is not barred by subsection (d), shall be brought and heard only according to the provisions of this subsection. Any such action or proceeding shall be commenced within sixty days following the date of such a right-of-way, permit, or other form of authorization is issued and shall be brought in a United States district court, which shall have exclusive jurisdiction to hear such action or proceeding. Such an action or

proceeding shall be heard by a three-judge court appointed in the same manner as a three-judge district court appointed under section 2284 of title 28 of the United States Code. Any such action or proceeding shall be assigned for hearing at the earliest practicable date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such three-judge district court. Any review of an interlocutory or final judgment, decree, or order of such three-judge district court by any party to such action or proceeding may be had only upon direct appeal to the Supreme Court of the United States.

SEC. 204. A right-of-way or permit granted under this title II for a road or airport as a related facility of the trans-Alaskan pipeline may provide for the construction of a public road or airport.

SEC. 205. The grant of a right-of-way or permit pursuant to this title II shall grant no immunity from the operation of the Federal antitrust laws.

SEC. 206. Any crude oil transported over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920 shall be subject to all of the limitations and licensing requirements, and penalty and enforcement provisions, of the Export Administration Act of 1969 (Act of December 30, 1960; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements of the Export Administration Act of 1969 the President must make and publish an express finding that such exports are in the national interest: *Provided,* That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such reports Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within that time limit passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

SEC. 207. (a) Except when the holder of a permit or right-of-way granted pursuant to this title can prove that damages caused by the holder's activities conducted at any point along the route of the proposed trans-Alaskan pipeline were caused by an act of war or by negligence of the United States or other government, such holder shall be strictly liable to all damaged parties, including but not limited to private persons, Alaska Natives, Native organizations, and Federal and State governments, without regard to fault for such damages.

(b)(1) The Secretary shall direct as a term or condition of any permit or right-of-way issued pursuant to this title that, except when the holder of such permit or right-of-way can prove that damages resulting from discharges of oil in violation of section 11(b)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1161(b)(2)) were caused by an act of war or by negligence of the United States or other government such holder shall be strictly liable without regard to fault to all parties, including but not limited to private persons and the Federal and State governments, for all damages resulting from such discharges of oil from, or involving vessels owned, chartered, operated, or leased by or for such holder, affiliate of such holder, shareholder, partner, or other constituent part of the holder, or affiliate of such shareholder, partner, or other constituent part of the holder, where the cargo of such vessel is oil transported by the proposed trans-Alaskan pipeline. Any action taken pursuant to this subsection shall be brought in the appropriate United States district court.

(2) For the purposes of this subsection, the term "affiliate" includes—

(A) any person or corporation owned or controlled by the permit holder or by a shareholder, partner, or other constituent part of the permit holder; or

(B) any person or corporation which owns a substantial interest in or controls the permit holder by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) any person or corporation which is under common ownership or control with the permit holder.

(c) The Secretary is directed to require from the holder a bond that shall at all times be maintained and in force and effect in the full principal amount during construction, operation, and termination of the proposed trans-Alaskan pipeline. The amount of said bond shall be adequate to insure the payment of any final judgment recovered against the holder for loss or damage in actions arising under this section.

SEC. 208. (a) The Secretary of the Interior is directed to report at least semiannually to the House and Senate Committees on Interior and Insular Affairs on the progress of construction of the proposed trans-Alaskan pipeline and related facilities and on the implementation of environmental stipulations attached to any permits or rights-of-way for the proposed trans-Alaskan pipeline. The first report shall be made no later than six months from the date of any permit or right-of-way granted pursuant to this title. Further reports shall be made at no greater than six-month intervals from the last prior report made.

(b) The Secretary shall issue a cease-and-desist order to halt construction of the proposed trans-Alaskan pipeline and related facilities at any time whenever he finds that the stipulations attached to permits or rights-of-way issued pursuant to this title are not being implemented or that significant damage to the environment, unforeseen at the time at which permits or rights-of-way were issued for the proposed trans-Alaskan pipeline, may occur if construction is not halted.

SEC. 209. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets. The cost of making the investigation shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the Congress periodic reports of his investigation, and the final report of the Secretary shall be submitted to the Congress within two years from the date of this Act.

(b) The President is authorized and requested to enter into negotiations with the Government of Canada to determine (1) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory for the transport of oil and gas from Alaska's North Slope to markets in the United States, and (2) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional oil export commitments from the Government of Canada that would make unnecessary the shipment of oil from the Alaskan pipeline by tanker into the Puget Sound area. The President shall report to the Congress the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendation for further action.

(c) Nothing in this section shall limit the authority of the Secretary of the Interior, or any other Federal official, to grant a gas pipeline right-of-way or permit which he is otherwise authorized by law to grant.

SEC. 210. The words "trans-Alaskan pipeline", wherever used in this title, mean that pipeline system, including related facilities, described in the "Final Environmental Impact Statement, Proposed Trans-Alaskan Pipeline".

Mr. MELCHER (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

Mr. DINGELL. Mr. Chairman, I reserve the right to object, and I will not object.

I make this reservation solely to inquire of the chairman of the subcommittee whether it is his intention at any point to limit debate with respect to title II of the bill? Perhaps I might repeat I have reserved the objection solely to ask my friend, the gentleman from Montana, whether or not it is the intention of him or members of the committee at any time in any way to attempt to limit debate or offering of amendments to title II?

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

Mr. DINGELL. I yield to the gentleman from Montana.

Mr. MELCHER. I thank the gentleman for yielding.

Subject to the will of the House it is my intent to proceed with the amendments, any and all, that will be offered by any Member on the floor today.

Mr. DINGELL. Mr. Chairman, I do not object, and I withdraw my reservation of objection with that understanding from the chairman of the subcommittee that it is not his intention to limit debate.

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

There was no objection.

AMENDMENT OFFERED BY MR. DELLENBACK

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

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: Page 13, line 5. Strike out all of subparagraph (d), insert a new section 203 to read as follows, and renumber the subsequent sections:

"SEC. 203. Proceedings in any United States federal court with respect to any action taken by the Secretary of the Interior in accordance with provisions of the National Environmental Policy Act of 1969 or relating to any right of way to construct the proposed Trans-Alaskan pipeline or to any permit in relation thereto shall be given precedence over all other cases pending therein, and shall be assigned for hearing and determined at the earliest practicable date, and all courts involved shall cause the case to be in every way expedited."

(By unanimous consent, Mr. DELLENBACK was allowed to proceed for 5 additional minutes.)

Mr. DELLENBACK. Mr. Chairman, I will try not to be complex in this, but we are at the heart of what is the major crucial question about the bill which is before us. We have here an amendment which was proposed in the full Committee on the Interior, and in the full Com-

mittee on the Interior we divided almost evenly on this amendment. The vote by which it was defeated was 18 in favor and 20 opposed. As a number of us on the Interior Committee indicated in our dissenting views which are published in the report, we propose to offer that same amendment now, an amendment reaching in that same direction, in this Committee of the Whole House.

What is it that the amendment proposes? It proposes on page 13 that we strike all of subparagraph (d), which runs from lines 5 through 9, and that we insert a new section 203 which calls for expediting court procedures.

What is it that subparagraph (d) would really state? What does it call for doing? It says the actions of the Secretary of the Interior heretofore taken with respect to any right-of-way to construct the proposed trans-Alaskan pipeline shall be regarded as compliance with the provisions of the National Environmental Policy Act of 1969.

It sounds very simple. It says that the Secretary of the Interior has done all that is to be done under NEPA. Does that mean that there are onerous or new additional obligations he must face under it? No, there are not.

NEPA is a study and disclosure statute. It contains important but very limited requirements.

The Secretary of the Interior, testifying before our committee, indicated that he felt he had complied in every way.

Those who would leave in this provision in the bill declare with the same breath that they say it should be left in that they feel that everything NEPA calls for has been complied with. They express no concern whatsoever that the environmental protection provisions of the statute are not fully met.

Yet they would give in and say, "We will make the determination; we will not let it be determined by the court that the full provisions of NEPA have been compiled with."

Those testing requirements which are in the statute—and they are quite simple and call for study and for disclosure—those particular provisions were in the process of being tested in the courts. What happened in the courts? On the trial court level, the trial court said NEPA has been satisfactorily complied with by the Secretary. It went up to the circuit court. What happened in the circuit court? With seven judges sitting on it, the majority of the court said, "We do not decide that issue." They did not say NEPA had not been complied with. They said, "We are not going to decide it."

At the same time the majority of the court said this, one of the seven judges said, "I find the environmental impact statement to be sufficient under the statute."

A second judge said, "I agree with Judge McKinnon that the environmental impact statement was sufficient."

The third judge said, "I agree with Judge McKinnon that it was sufficient."

So three judges expressly said it is sufficient. The other four did not speak on the subject.

So, what do we have at this particular moment, litigationwise? We have a situation where it is very clear what the issue was: Has NEPA been complied with? We had a situation where a trial court found it had, and four judges on the upper level said they were not going to decide and three said it has been done. We are almost through the jungle of litigation. To leave this provision in the bill at this time would be bad, I suggest, my friends, for three distinct reasons.

First, NEPA is a good statute. We wrote it; we, the Congress. This body overwhelmingly supported it, and we wrote it to say that we will protect the environment, and the issue is whether this really is adequate protection for the environment, or is going forward in an orderly way. So the issue is clear; protection of the environment is at stake. Unless we strike this provision out of the bill we raise a serious question about whether the environment is satisfactorily protected.

Second, we strike at NEPA itself. As I said during full debate, this is not the only time that NEPA will be put to the test. It is the first significant test for NEPA. If now, the first time NEPA comes up in strict, head-to-head conflict with the energy crisis, we say that we do not go forward under proceedings set forth in the statute, if we brush NEPA aside, who knows where we are going to go as the questions of nuclear energy come forth; as the questions of solar energy come forth; as the questions of fusion come forth; as the questions of coal gasification comes forth, and on and on and on?

As we go to meet the fuel crisis we are setting what—called by any name you will—is in effect a precedent which will threaten a very fine piece of legislation, NEPA. For that second reason, we should strike this language.

Third, I submit that, as I said before, we trade one type of litigation for another type of litigation at a time that the issue is very clear; at the time the procedure had marched along and there was not much left to do, and there is not today much left to do, to settle the issue of whether NEPA has been complied with. To brush it aside when in its place we are going to create a host of new causes of litigation if we stand by the provisions of this section.

The other two sections, if we adopt this amendment, I will move forward in sequence to strike.

This creates a constitutional question of equal protection of the laws. This creates a constitutional question of due process. This creates a constitutional question of the separation of powers.

If anybody needs to be handed on a silver platter a set of legal issues which they can march forward with, if their goal is to further delay instead of determining what ought to be done from an environmental standpoint, this bill will do it.

I suggest that until we have concluded what is not a long road still to walk we will be making a grave mistake, those of us who want to see the issue settled and who want to see the oil brought down from the north slope to the lower 48 States expeditiously in the manner best calculated to protect the environment, to do this.

The second part of what we seek to do with this amendment is to make clear that any future legal proceedings will be expedited.

There has been read to the Members by the reading clerk the provision which says that proceedings in any U.S. Federal Court with respect to this kind of proceeding shall be given precedence over all other cases pending therein and shall be assigned for hearing and determination at the earliest practical date, and that all courts involved shall cause the case to be expedited. So whatever time the completion of this adjudication will take it will be expedited if we adopt the amendment and move forward as quickly as can be done.

It is a combination of striking this language and moving forward under these circumstances with the insertion of this particular provision for expediting legal proceedings that I urge upon my colleagues will not prolong construction of the pipeline but will speed it up, because the alternative is a legal jungle with all sorts of questions arising.

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

Mr. DELLENBACK. I yield to my colleague from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank the gentleman for yielding.

I point out that I had intended to offer a similar amendment. I did join with the gentleman and a number of other colleagues in a letter to all of our colleagues urging adoption of this amendment. I endorse the amendment offered by my good friend from Oregon enthusiastically. I point out it has the backing of all national conservation organizations.

Mr. DELLENBACK. I appreciate the gentleman's support.

Let me read to my colleagues from another editorial. Clearly the environmental groups are in support of my amendment. This is an editorial, however, from Business Week. What does it say, in Business Week, the issue of July 28, 1973?

LET THE COURTS DO IT

The energy-short U.S. badly needs crude oil from Alaska. But the Alaska pipeline bill passed by the Senate last week may delay, not hasten, the flow of oil from the Arctic. And the Senate has undermined the 1969 National Environmental Policy Act (NEPA).

The Senate voted overwhelmingly to repeal a 1920 law that would have restricted the pipeline's right-of-way to an impractically narrow 50 ft. But then it tacked on an amendment from Senator Mike Gravel (D-Alaska) exempting the pipeline from further challenge under the 1969 law. The amendment declares the pipeline environmentally acceptable and not subject to further judicial review.

But the NEPA has proven itself an important and effective piece of legislation. By requiring environmental impact statements on all projects licensed by the federal government, it has successfully forced agencies to consider environmental factors early in the planning stages, and weigh alternatives. The pipeline itself will be a safer project because of the NEPA. Exempting the pipeline from NEPA would set a dangerous precedent. Other agencies will be tempted to seek exemption for their pet projects, and the NEPA could become just another piece of paper.

Nor is it certain that the Gravel amendment will speed the arrival of Alaska oil. Environmentalists, whose refusal to compromise prompted the amendment in the first place, can be counted on to challenge it, arguing that Congress has no right to deny judicial review when the pipeline case is already before a federal appellate court. That could drag on longer than the current litigation, which is drawing to a close.

The House should reject the attack on the NEPA and let the present court battle run its course. If the Interior Dept. has prepared a satisfactory statement on the pipeline's environmental impact, as it says it has done, the federal court will soon give the pipeline a green light anyway.

I urge support of this amendment.

Mr. OWENS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to support the amendment offered by my distinguished colleague from Oregon (Mr. DELLENBACK) and myself.

H.R. 9130 in its present form seeks to exempt construction of the trans-Alaska pipeline from further review under the National Environmental Policy Act. The operative sections to effect that end are section 202(d), which declares that actions of the Secretary of the Interior heretofore taken with respect to the pipeline shall be regarded as satisfactory compliance with NEPA; section 203(a), which directs the Secretary to grant the necessary permits, without further regard to NEPA; and section 203(d), which exempts construction permits from judicial review on the basis of NEPA.

Our amendment, if agreed to, would strike these sections of the bill, and provide that any proceedings in a Federal court challenging the construction of the pipeline be given precedence over all other cases and be expedited in every way.

Let me first say that the precedents for providing for this kind of expeditious review are numerous. The Voting Rights Act of 1965, the Interstate Commerce and the Federal Trade Commission Acts are examples of legislation which provide for expeditious review of administrative decisions by a department of the executive branch.

My colleague, Mr. DELLENBACK, has spoken eloquently as to why the bill's provisions for overriding NEPA are bad policy and bad precedent. I want to make and elaborate on one further point in support of this amendment: The bill as presently written will engender as much or more delay than an expedited conclusion of the pending court test of the NEPA impact statement.

The sponsors of the bill genuinely believe that it will speed up construction of the pipeline by avoiding delays arising from litigation under the National Environmental Policy Act. They are wrong. All their bill will succeed in doing is to shift the litigation to other grounds.

In the first instance, there will be litigation over the issue of the constitutionality, under the due process clause of the fifth amendment, of the bill's provisions cutting off further judicial review under NEPA. While it is generally assumed as true that the Congress may limit the jurisdiction of the lower Federal courts in any manner it sees fit, case law suggests that the due process clause operates as a limitation on the Congress' exercise of this power. That issue will certainly be presented to the courts if the bill as it presently stands is enacted, and the litigation over that constitutional issue is likely to take as long to work its way through the courts as judicial review expedited under our amendment.

Furthermore, the bill as presently written does not preclude challenges to the marine leg of the Alaska pipeline. Additional licenses and permits, the issuance of which will require impact statements, for example, from the Corps of Engineers, will likely be required before oil can be transported by tanker south from the port of Valdez. Adoption of the bill as it presently stands simply invites opponents of the construction of the pipeline to shift their attack to such other grounds as these.

Under our amendment, review will be not only expedited, but will be heard by judges familiar with the environmental issues in the case. This is so because Judge Hart continues to have jurisdiction over the suit presently blocking construction of the pipeline, and the Court of Appeals heard the last appeal from Judge Hart's decision en banc. That is, all the judges participated in the hearing and decision of the case. They also, therefore, are familiar with the issues involving NEPA.

The last round of litigation in the pipeline suit took only 8 months from the time the case was argued in district court to the date of the Supreme Court's denial of certiorari. Another round of litigation in this case would surely take even less time. Such delay as will occur must be looked at in reference to the time frame in which the pipeline is expected to be built. The best estimate currently is that, under optimum conditions, it will be 3 years before the pipeline is partially operational, and 5 years before it can operate at full capacity. I mention this because there has been a good deal of emotional rhetoric suggesting that passage of this bill as written will end the energy crisis tomorrow by making available North Slope Oil, and that environmentalists are trying to exacerbate the presently existing crisis by tactics of delay. It should be clear to every Member of the House that those are not the realities. At that time it will supply only about 8 percent of the total projected need for crude oil.

In summary, I urge all Members whose desire it is to see the pipeline built as quickly as possible to support this amendment. It will result in no greater delays than the bill as it now stands, and will demonstrate Congress commitment to long-range environmental values and the integrity of NEPA.

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

Mr. OWENS. I yield to the gentleman from Montana.

Mr. MELCHER. I should like to point out that the proxies were not used, but I believe the gentleman draws the wrong conclusion if he feels those proxies would have supported his position.

Mr. OWENS. If I may answer that, I would say to the chairman of the subcommittee my understanding is there were two Members who were in favor of our position who were not there, and another proxy favoring our position was not in workable order. We lost by two votes. I could stand corrected by my chairman.

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

Mr. OWENS. Certainly.

Mr. MELCHER. Mr. Chairman, I will say that in neither case, to my knowledge, was either of the missing proxies in support of the gentleman's view.

Mr. OWENS. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I suppose I would be classed as a "deep-bending minuet dancer," as the gentleman from California and the gentleman from Arizona referred to those of us who were trying to speak on this issue earlier today.

I do strongly support the consideration of the Alaska pipeline. I believe the energy problem and the needs of the American people require it of us, and I believe we must proceed without delay. I support the concept that our amendment attempts to solve. That is the concept that the litigation is almost taken care of, if one would carefully read the opinions of the district court judge and of the circuit court of appeals.

The district court judge has said that the impact statement is sufficient. Three of the seven circuit court judges found the impact statement complete and sufficient. I submit to the Members that the time required under the acceleration provision which we offer in our amendment will assure the very rapid completion of the litigation on this matter and we will have preserved the integrity of the National Environmental Policy Act, which is perhaps the most important significant piece of environmental legislation the Congress has passed in the last few years.

On the other hand, if we allow the provisions of this bill to stand, there are significant constitutional challenges which will be argued to new courts, which will require a great deal of delay and a great deal of time for argument.

Mr. Chairman, the Senator from Alaska, Mr. STEVENS, has acknowledged this. I read those words earlier out of the CONGRESSIONAL RECORD. Proponents of this bill and the committee have acknowledged there would be sufficient constitutional arguments raised about the propriety of our abolishing the application of NEPA here.

I submit to the Members that the new legislation, which is very complicated, will take a great deal of time and will consume a great deal more time in all probability than the completion of the environmental impact litigation where the district court has retained jurisdiction and where judges who are familiar with and who have already rendered an opinion in this matter have retained jurisdiction.

The fishermen of Alaska are prepared to file suit if this provision stands, based on the due process clause of the fifth amendment. Those are very significant challenges.

I say to the committee that I hope the Members will look very carefully at

this amendment. It not only preserves the integrity of the National Environmental Policy Act, but it assures no delays, or very little delay, in the completion of the Alaskan oil pipeline. It will be faster than it would with the exclusion of NEPA.

Mr. Chairman, I submit to the Members the amendment is deserving of their consideration and of their support.

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

Mr. OWENS. Yes, I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I wish to commend the gentleman from Utah (Mr. OWENS) on the statement he is making and associate myself with it. I commend him particularly for his work in the committee. The gentleman from Utah is one of the most constructive, innovative, new young Members to join our committee in a long time.

Mr. Chairman, it was only because of his enthusiasm and hard work that this sound alternative was presented in the committee, and I certainly, for one, am going to support it.

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

Mr. Chairman, I believe it is important at this point that we all understand exactly what the National Environmental Policy Act requires, because unless we know what we are dealing with here, it is a little difficult to deal with it in careful judgment.

Now, all that act requires, and all we are talking about is that all agencies of the Federal Government shall "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on alternatives to the proposed action."

The act further requires that "to the fullest extent possible all agencies of the Federal Government shall study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

So what NEPA requires is that when we move into an area such as the licensing of a pipeline, in this instance, the Department of the Interior should take a look at all of the alternatives that are available and make certain that this is actually an action that is taking the environmental as well as any other pertinent considerations into account.

Once a department or agency—in this case the Department of the Interior—has done this, it is not required to pay a bit of attention to the analysis if it does not want to. NEPA requires only that an environmental study be made.

There are about 30 pounds of books over there that are the NEPA analyses and environmental studies that have been made by the Department of the Interior in this case. Now, somebody has gone to court and said, "Well, there are 30 pounds of books over there, but Interior did not exactly follow out all of the procedures required by NEPA." That is what the lawyers are saying in court.

They are saying the procedures were not carried out. They are not saying the pipeline is not the single alternative available. They are not saying that it should not be built. The gentleman from Idaho said it should be built. The author of this amendment says it ought to be built. Nobody has raised that question. The only question before us is as to whether or not all of these NEPA procedures have been taken into consideration and followed out.

All this bill before us does is say that the actions of the Secretary of the Interior, those 30 pounds of things heretofore studied and taken into account with respect to the proposed trans-Alaskan pipeline, shall be regarded as satisfactory compliance with the provisions of NEPA. It does not change the act; it does not set a precedent. All that the subsection in the bill proposes to do is establish a fact, and that fact is there has been satisfactory compliance with the procedures established by NEPA.

In contrast, what does the alternative provision the gentleman from Oregon wants to put in the bill do? He claims his provision will speed up the resolution of this question. But all it does is require suits regarding the trans-Alaska pipeline be given precedence over other pending cases and shall be assigned for hearing and determined as early as practicable.

All that it does is give these suits a first place on the calendar. You cannot by the terms of the amendment he proposes make lawyers shut up and move faster. It will not eliminate any lawyer's right to use every dilatory tactic available in the arsenal of the law.

If everyone says it is time to get this trans-Alaska pipeline built, then let us go ahead and do it. There is nothing wrong with legislating against that kind of delay.

There is no harm or immorality in stopping dilatory tactics and there is no constitutional bar to saying that they shall not avail themselves of such luxuries any longer. After all, we have been delayed here for several years. As a matter of fact, this pipeline was started long before the NEPA was even put on the law books. But it was not far enough along to seek a right-of-way permit before NEPA was enacted. That is the reason why we have this issue before us today. I urge the defeat of the Dellenback amendment.

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

Mr. Chairman, my friends, the esteemed gentleman from Oregon and the distinguished gentleman from Utah, ask us by their amendment to let the judges and the courts decide the issue of environmental protection. Well, is this not the House where Webster spoke? Where he said, as it is inscribed above me:

> Let us develop the resources of our land, call forth its powers.

Is this not where Clay spoke and Rayburn spoke, and where Hamilton said:

> This is the House where the people speak.

The House of Representatives, where the concerns and the aspirations of the people are considered and debated, and whose rights are asserted and assured? We ought to be able to be capable of understanding the problems of the people, and relating our actions directly to their needs.

Our debate and the votes here on this floor this afternoon should go to the heart of the matter to direct the solutions that are sought by people in terms that are clear and unequivocable.

Environment should not be a vague conception that we are not capable of understanding, nor should we have to rely on the courts protecting the environment. Protection of the environment is very much on the minds of the people, and to me it means in the case of the land, erosion problems, erosion control and revegetation when the earth is disturbed. And that is just why we are specific in this bill; that is why we stress specifically in title I direct requirements to protect the environment for oil and gas pipelines on public lands.

The technicalities involved in relating our concerns to possible environmental damage are not so great that we cannot legislate the safeguards and protect the rights of the people in these matters.

Are we to continually delegate to an agency all the authority and then put them in the position of being told by the courts where their authority lies, and whether or not they have exercised their authority correctly? Or are we, as H.R. 9130, the bill we have before us today, to be positive on specific points? I say we legislate what we mean by clearly specifying environmental control. The National Environmental Policy Act is general, not specific.

I do not want to avoid its general, overall criteria which is imposed on all Federal agencies. I do not want to rely just solely on it for the specific will of the Congress in this regard on oil and gas pipelines, and on the trans-Alaskan pipeline.

I believe environmental protection is strengthened when Congress sets specific terms, not generalities.

The bill before us is specific for oil and gas pipelines on public lands. Congress should act on this matter rather than screening itself from the decision by continuous court interpretations or court procedures.

We have considered the stipulations of the Secretary of the Interior when we considered the bill in committee. I hold in my hand those stipulations that the Secretary will apply in granting a trans-Alaskan pipeline right-of-way, and we find them good and fair safeguards of the environment.

We expect as a matter of course in granting the permit for the trans-Alaskan pipeline that the Secretary will impose these stipulations as conditions in granting the permit for the right-of-way.

We also anticipate there will be need for further stipulations or conditions as construction goes along in order to better protect the environment. And our bill calls for that. Now, these will be required during construction and operation over the entire life of the pipeline. Also, beyond these conditions, the requirements

of title I apply also more protection of the environment. Both those requirements in title I and these stipulations are enforceable in court. Nothing about this removes that right for enforcing these conditions in court.

I say that the amendment should be turned down. We should avoid further delay and start construction now. It is the purpose of the House to make this decision on this day.

Mr. STEIGER of Arizona. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find it difficult to recall just which of the deluge of arguments and rhetoric that we have been exposed to on the committee over the past several months have been recited for our benefit here today. I am not about to try to review all of them. I would ask that the Members consider again the simple facts of this particular situation.

I think the chairman of our subcommittee said it very well when he pointed out very clearly that this bill as it is now written does not permit a breaking of the law, does not permit anybody connected with the pipeline to fail to comply with the rules of the Department of the Interior or the rules of NEPA. This language that is sought to be amended by the Dellenback-Owens amendment does not fail to recognize NEPA; in fact, it takes very specific recognition of NEPA. What it does also recognize is for 3 years environmental groups have used the courts as a device to delay the construction of this pipeline. Now for this House to ignore that and talk in some esoteric, theoretical plane about it not being able to happen—as for my very good friend, and I say that sincerely, the gentleman from Arizona (Mr. UDALL) to talk about the crash program to rush this bill through, and the construction through of a pipeline that was, by his own testimony, started 5 years ago—is to ignore the very pragmatic needs of the country, because we are offending the theoretical senses of a very few people here, and a very, very small number of professional environmentalists, and this, I think, is not being responsible.

We are told by professional environmentalists that we are doing harm to the ecology. We are told by people who have never seen Alaska, and could not spell Prudhoe Bay if they were under the gun, of the damage that we will do if we do not pass this Dellenback amendment. As a practical matter, what we will do if we do pass the Dellenback amendment is insure the delay of the implementation of the permit to build the Alaskan pipeline, period. The fact that we have recognized that there will be litigation no matter what we put in this bill is evidenced by the fact that the committee put in language that would permit the acceleration of any other litigation that is put in the bill. If capricious delay is what the environmentalists want, they can have it. All we are saying is that they cannot have it at the expense of NEPA. It seems to me we are dignifying NEPA by that very action. We are not circumventing it; we are not challenging it; we are recognizing it. We need this pipeline. The people who would eliminate the language that would prohibit litigation on the narrow point of NEPA believe very strongly and sincerely that we should delay the pipeline.

Every opportunity for delay has been accorded; indeed, every delay has been accorded to the point where the State of Alaska is virtually on the verge of bankruptcy. I do not think it is appropriate for this House to impose the will of a few people, because of some vague fears, on the State of Alaska and the rest of the Nation.

I hope that the Members will vote "no" on the Dellenback-Owen amendment.

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

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

Mr. Chairman, I rise in strong support of the Dellenback-Owens amendment. I have the greatest admiration and respect for the chairman of the subcommittee. He did a wonderful job in shepherding this bill through the subcommittee and the full Committee on Interior but I must say I am astonished by the general line of reasoning he has presented this afternoon which I do not recall having been presented in the committee. As I understood the gentleman, in effect what he was saying is that the Congress and not the courts should decide whether the Secretary of the Interior has complied with NEPA with regard to the Alaska pipeline. That is a remarkable thing to say.

Mr. Chairman, we are supposed to operate under a government of laws. How can we sit here as a Congress and decide that a Government department has in fact complied with the law which involves many complexities? The Secretary's environmental impact statement is an impressive six-volume report. I challenge any Member of the committee or of the House to say he has been through those volumes or knows what is in them in detail. Yet the committee is proposing, if this amendment is not adopted, that the Congress should find as a matter of fact that the Secretary of the Interior has complied with NEPA.

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

Mr. BINGHAM. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I thank the gentleman for yielding.

My colleague has referred to my statement.

What I said is that the Secretary of the Interior has supplied to the committee adequate information for us to make the environment judgment. That is what the bill says also.

Mr. BINGHAM. Did not the gentleman from Montana, the chairman of the subcommittee, say that we sitting here in the House Daniel Webster spoke in have great dignity as a legislative body and that we should not allow the court to make the decision which should be ours to make? And I could not interpret that in any other way except that the court should be deprived of the opportunity of determining whether the Secretary of the Interior has complied with NEPA and we should substitute our judgment for the court's judgment.

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

Mr. BINGHAM. I yield to the gentleman from Montana.

Mr. MELCHER. I will repeat I urge the House to make the decision, on examining the environmental aspects of the trans-Alaska pipeline, and then make the decision that it is time to move forward with it, and that the environment will be protected under the stipulations and requirements of the bill.

Mr. BINGHAM. Just a moment. I would like to say further that this creates a very dangerous precedent because the chairman is saying in effect what I said, that when a case comes up which is a tough one to handle, the Congress will then decide whether the department has complied with NEPA, and not permit the normal judicial processes of government to function.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

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

Mr. EDWARDS of California. Mr. Chairman, in 1970 Congress passed the National Environmental Policy Act, establishing environmental protection as a national priority. Cited as the "first amendment" of the environment, NEPA calls for full, timely, and orderly review of all Federal actions affecting the quality of the environment. One of its most important specific requirements is proof that the reviewed action is the least harmful alternative in that particular instance.

Both the version of Alaskan pipeline legislation passed by the Senate and the bill we are now considering state that the requirements of NEPA have been fully complied with. The specific purpose of this provision of the measure is to suspend the pending suit against the Secretary of the Interior which charges that he has failed to make an adequate study of both the Alaskan and Canadian routes.

The length and intensity of debate on the issue provide strong evidence that the Interior Department may indeed have failed to comply with NEPA. Traditionally, Interior has maintained a cooperative, friendly, and even supportive attitude toward the oil, mining, lumber, and other natural resource industries. Its role as protector of the environment has assumed second place when it has not been entirely latent. Recognizing this, Congress wisely created the Environmental Protection Agency as an independent arm of the Government.

In addition, it provided EPA with NEPA, the power to review all major governmental decisions from an environmental point of view.

Thus the question of NEPA in relation to the construction of the Alaskan pipeline is a far-reaching and precedent setting one. Regardless of whether the pipeline is built and where it is built, we need to have the fullest possible knowledge of the environmental factors involved. NEPA provides that environmental, as well as political, economic and social, ramifications are determinants of governmental action. If the integrity of NEPA is to be preserved, then it must

be allowed to test its safeguards against other considerations. If we allow NEPA to be suspended on this large question, what chance will it have to be effective in smaller, less environmentally important situations?

In the future, we will also be facing other critical questions that require weighing the protection of the environment against other pressing concerns. Particularly when these concerns are represented by major industries, we must be extremely careful in evaluating and determining the course of action to be taken. Congress is now holding hearings on the monopolistic practices of major oil companies and the possibility that they may have conspired to raise fuel prices and create an artificial energy crisis. At the same time, we are giving full credence to the argument presented by these same companies in favor of the pipeline. The arguments urge immediate construction because there is an "energy crisis" and a "fuel shortage." NEPA, by requiring full, deliberate and exacting study of both the Alaskan and Canadian pipelines, as well as other alternatives, will also provide us with the time to properly assess the contribution of Alaskan oil to solving our total energy problem. Thus reinserting NEPA authority in this bill will have the general advantage of allowing further economic consideration of the pipelines as well as insuring full environmental review.

Not only does this legislation state that NEPA has already been fully complied with, it also bars all court review of pipeline construction on the basis of NEPA. There are serious constitutional questions about this limitation. Does Congress have the power to limit judicial review of its decisions, in this case the decision that the Secretary of the Interior's environmental impact statement complies with NEPA? The broadness and generality of the limitation also makes it applicable to a number of statutes other than NEPA, suspending rights-of-way requirements, other environmental protections, regulations on the use of public lands, as well as limiting court review of all future construction-operation-maintenance of pipeline-related matters. Although these suspensions of other laws may not be the intention of Congress, they nonetheless follow from the present wording and may multiply any environmental dangers that presently exist.

Thus, it is essential, if the Congress has any intention of making NEPA effective now and in the future, that we establish a precedent of upholding the law which we led the way in passing 3 years ago. Applying NEPA, as intended, to the Alaskan pipeline will show that we recognize and accept the basic importance of the environment in all of man's undertakings.

Mr. Chairman, I urge approval of the amendment.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, this is not a crisis for NEPA. In the field of nuclear energy, in the NEPA action in the *AEC-Calvert's Cliffs* case, they did not come to Congress for an exception. We have in Alaska the result of several years effort, by the companies to comply with the many environmental requirements that stemmed from the many hearings and studies made, and we simply state that as a matter of policy the Congress finds and declares the action of the Secretary of the Interior shall be found satisfactory for the issuance of a permit for construction of right-of-way. If anyone finds in the first mile serious construction error they can stop it by the given processes in this legislation.

Mr. BINGHAM. I simply say we are substituting our judgment for the normal processes of a law which we wrote and expect to be observed and that this is a precedent which will plague us in the future.

I would like to say further that I fully agree with the gentleman from Oregon and the gentleman from Utah that the committee's provision is buying trouble for the people who want this pipeline to go through in a hurry, that it will raise more legal tangles and constitutional problems than the amendment would.

The provisions of the committee bill amount to a congressional determination that the pipeline is environmentally acceptable and that no more judicial recourse will be permitted to the American public to challenge either the procedures followed by the Interior Department in drawing up its environmental impact statement or the substance of the statement itself. There are at least four reasons for opposing these provisions.

First, when Congress passed the NEPA in 1969, it clearly intended that a complete, timely, and orderly review of all Federal actions "significantly affecting the quality of the human environment" would be made. As regards the Alaska pipeline, this act of Congress required that the Interior Department, prior to granting any right-of-way permits across Alaska to build a pipeline, make a full disclosure of all the environmental hazards which construction and operation of a pipeline and oil tanker system present and undertake a study of all reasonable alternatives to the proposed pipeline. The Interior Department has presented a voluminous environmental impact statement, but very serious doubts have been raised by a host of respected journalists, environmentalists, and Members of Congress that this mammoth report does not adequately evaluate the magnitude of the potential damage to the environment, that the environmental safeguards foreseen in the report are insufficient, and that the Secretary of the Interior never made a bona fide attempt to study the alternative route of a trans-Canadian oil pipeline running from Prudhoe Bay in Alaska, across Canada, and down to the U.S. midwest. The issue of the adequacy of the existing environmental impact statement is clearly an appropriate matter for judicial determination, Congress intended that NEPA would present a rule of law by which all Federal agencies and officials would be bound, and the American public should not be denied its rights of recourse to the full judicial process to settle this legal dispute.

Second, the enactment of a NEPA override by Congress would be a terrible legislative precedent. When Congress passed the NEPA it made no provision for exceptions to the act's requirements, and we should not begin emasculating sound existing legislation which has contributed significantly to the improvement and protection of this Nation's environment. If we enact an exception to the NEPA today, then the floodgate will be opened for requests for future legislative exceptions to the NEPA. Congress should stand by the law as originally enacted and insist that all Federal agencies be bound by it, no matter how powerful the interest group which is seeking to circumvent its provisions.

Third, this Congress is in no position to make a determination that the Secretary of the Interior has fully complied with the requirements of NEPA and that any further judicial resolution of the issue is superfluous. The Environmental Impact statement is a massive six-volume report, and it is inconceivable that any Member of Congress has been able to wade through the thousands of pages of project presentation, much less make a qualified determination on the adequacy of the impact statement. The House Subcommittee on Public Lands hearings on the pipeline run about 1,300 pages, and I would be very surprised if more than a handful of Members of the House have read, analyzed, and distilled the arguments, facts, and controversies presented in that hearing record. Members of Congress have no business issuing legislative determinations on an issue which they have only superfically approached. If Congress is so sure that the existing environmental impact statement complies with the NEPA, then it should have no hesitation in permitting the courts to make an orderly confirmation of that opinion.

Fourth, the inclusion of a NEPA override in this pipeline bill may very well prolong court battles over the pipeline and delay construction for a longer time than the completion of legal challenges to the Interior Department's impact statement under NEPA would cause. The constitutionality of this NEPA override attempt is open to very serious judicial inquiry, for it represents the selective denial of an existing legal remedy of the American public against the questionable action of a Federal agency. Resolution of this constitutional issue could open a Pandora's box of injunctions, delays, and frustration, all because Congress fell prey to a hasty attempt to shortcut the laws of this country.

Mr. Chairman, I urge my colleagues to join me in support of this amendment and to reject any attempt to cripple the National Environmental Protection Act, one of most important and effective pieces of environmental legislation ever enacted.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, stripped to its basic purpose, the Dellenback amendment has one basic practical result—it sends this entire matter back to the Federal courts for the completion of litigation on the environmental aspects of the trans-Alaskan

pipeline. The question for us, I believe, is whether or not this House is willing, having the knowledge it does, to add this additional delay on that which has already been imposed by protracted litigation.

On this question, I want to address one specific point, and to be sure that all Members understand it clearly. That point is the amount of litigation delay which a vote for the Dellenback amendment will force and an answer to the claim I have heard from supporters of the amendment that the delay will be less than 1 year.

Nothing can be further from the truth. If this amendment is passed, I assert that you have added 2 years to the time this Nation must wait to gain Alaska's North Slope energy.

Under the court of appeals decision which placed this issue before Congress, the scenario for future litigation is clearly set. In summary, it is a complete rerun of everything which has happened before in court, and in even greater detail.

First, the case is returned to the U.S. district court, and while the same judge may hear it, he is now ordered by the circuit court not to decide it on agreed facts, or even on documentary evidence, but to hold a complete fact-finding proceeding specifically including testimonial evidence. At the end of this proceeding, the district court judge is required to make and publish detailed findings of fact, something that was not done at the choice of the judge, in the prior decision. No docket priority provision or sense of Congress expediting language can alter the sheer legal and logistical demands in completing such a requirement.

Following this, the entire decision will go to the court of appeals, where for the first time, the entire environmental findings below will be evaluated. Although it can be said that these judges are familiar with the case, it cannot be said they will be compelled to take the time to fully deal with the extensive findings of fact, as they have never done before.

Finally, the case will go, on the same basis, to the Supreme Court, where it will all be rerun again, including review both of the legal issues and the finding of facts below. The timing of the lower court decisions, as it coincides with the term of the Supreme Court is vital, and it could cost 3 to 6 months if the timing is wrong.

Next, there is the very real problem of what a 2-year delay really means for actual construction. If we act today, and a final bill becomes law in September, and 2 years from September, a favorable decision emerges for the pipeline from the Supreme Court, we have not lost two, but more nearly 3 years of time.

The reason is simply that construction cannot begin in this or any September, but must begin in the Alaskan spring.

Finally, let us all remember that those who have litigated against the Alaska pipeline have made the nature of their opposition clear. It is an opposition based on tactical delaying to the death of the project. The goal is not only a more responsible project, on which we all agree, but for many it is the goal of no pipeline at all. Litigation is the tactic of that goal.

My position is clear. We have a bill which recognizes the work done thus far as adequate as a basis for proceeding and which guarantees that we will not have to wait 2 to 3 years for even a decision to proceed.

Mr. MEEDS. Mr. Chairman, I move to strike the prerequisite number of words.

Mr. Chairman, the first of the Dellenback-Owens amendments, standing alone, is fine, but as the gentleman mentioned, it is the first in a series of three, the effect of all of which will be to effectively remove that provision of this act which allows the Congress to make the decision with regard to the NEPA compliance. We must consider, then, the effect of all of the amendments, because this alone is meaningless, as I am sure the gentleman from Oregon would admit.

The effect of adopting all three of these amendments will be, I submit to the Members, to delay the commencement of the construction of the Alaska pipeline by at least 2 and probably 3 years. I suppose the Members wonder why that is going to happen. For those Members who took the trouble to read the opinion of the majority of the Circuit Court of Appeals here in Washington, D.C., which turned this case back without deciding the environmental impact issue, they would have found the court said:

> The analysis of the environmental, economic and other costs in the present impact statement may become outdated, and to update it the defendant conceivably might introduce facts mooting anything we might say about its present adequacy or inadequacy. In addition, future developments with respect to the Canadian alternative including information obtained from the reports now being prepared by the Canadian Government, may well moot anything we may now say about the sufficiency or insufficiency of the defendant's efforts in developing and describing this alternative.

Just that much of that opinion ought to clearly indicate to the Members that the court is not only turning this back to the district court, but it is saying to the Secretary of the Interior, "Mr. Secretary, you better go down and update your environmental impact statement, and you better also give further consideration and study to the Canadian alternative."

I am sure the lawyers here will pick that up. It ought to be obvious. If the Secretary went back under the environmental impact without updating it, he would be out of his mind, so he is going to have an additional year or year and a half or 2 years of hearings, of preparation of a supplement to his initial environmental impact; all of the preparation that went into the initial environmental impact statement is going to be revoked, and then he is going to have to come back to the court, where the language of the gentleman from Oregon and the gentleman from Utah says it will be expedited.

So, we find ourselves perhaps 2 years down the trail in the court, again expediting what we in the Congress should now undertake to do because of the time, because of the importance, and because of the groundwork that has already been done.

Those who argue for the Dellenback-Owens amendment seem to be saying, in effect, that there has been no environmental impact statement. I submit to the Members that the longest, most comprehensive, most costly, more time-consuming environmental impact study the world has ever known was filed with regard to this Alaska pipeline. It was filed as early as 1970 when the National Environmental Policy Act was still in infancy. It was updated after it was passed. It was updated when someone suggested that they ought to look more closely at the Canadian alternative. It was updated again and revised when someone suggested that the tanker route ought to be looked at, and it was a part of environmental impact.

So here, after approximately 4 years of work, we are with what I believe is a very fine environmental impact statement that says, "Go ahead and build the pipeline here."

That environmental impact statement, contrary to what some would have us believe, has been to court, has been passed upon by the district court, and has been found by the district court, the court of first instance, to be sufficient. It was sent to the Circuit Court of Appeals, where the real trouble arose, where the circuit court sent it back without deciding the major issue. And that is why we are here today seeking to expedite the pipeline by legislation.

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

Mr. Chairman, there is an environmental backlash in this country, and we all know it. This section of the bill would have been laughed out of the Chamber a year ago. Tonight a lot of those who helped to write the National Environmental Policy Act into law are preparing to gut it. I hope they will pause and think about it a little bit and on reflection shrink back from this serious step.

When the history of this Congress is written this vote we are about to take will be marked as one of the key votes of the 93d Congress. Certainly it is one of the key environmental votes of recent years. I would compare it to that historic vote we had on the SST.

The issue here is whether we are going to cave in to the demands of the big oil companies or whether we are going to give due process to the environment.

There is a backlash, as I said. Certainly the environmental movement has been guilty of some excesses. But we have some tough decisions to make and if we are wise we can move rapidly on the energy front and not sell out the environment.

To those who are still in doubt on this amendment, I suggest they have one of those cases where they can perhaps have it both ways. I believe you can be for immediate construction of the pipeline and still save due process for the environment.

My friend from Washington says this amendment will cost 2 or 3 years. I doubt it will cost 2 or 3 days in terms of the construction of the pipeline.

Let me tell the Members why. There was a clipping from the New York Times the other day which said that Under Secretary of the Interior Whitaker said the pipeline construction could not start until January at the earliest and, as a practical matter, the fact is, with the weather in Alaska, they cannot really get construction underway until next March. That will be plenty of time to take this last step in the court to comply with this historic act.

What did NEPA say? This act we voted on in 1969 said two basic things.

It said to Federal administrators, "Whenever you build a water project, a highway, a canal, or an airport, you are going to stop and consider the effects on the environment, long-range and short-range."

Second, it said, "To keep you honest, we are going to give the citizens the right to go to court to test whether you actually did an honest environmental policy study."

What has happened here? Yes, we have an environmental impact statement. Yes, it is big. Yes, it is long. Yes, it is costly, $7 million.

But the fact is that millions of Americans, and I am one of them, believe this was not an objective, impartial study. I believe that those who made this study had their minds made up before they ever started, they were going to favor the Alaska pipeline, and portray the Canadian alternative as not feasible.

Now for the judicial process. They talk about 2 or 3 years. Do Members know how long it took from the filing of the complaint in the district court until it went to the circuit court for ruling? Not 5 years. It took 11 months to go through this blasted process, the entire court system up through the circuit court.

As the gentleman from Oregon (Mr. DELLENBACK) and others have pointed out, about three-quarters of the court process is already completed. If we pass his amendment today, then 2 or 3, or perhaps 4 months will be needed for the appeals court and the Supreme Court to finally rule. The lower court has already said the impact statement was sufficient. Three of the seven judges of the appeals court have already said it was sufficient.

My prediction is that by January we will have had due process. We are not going to get any quicker action by overriding this historic act tonight, because there are some sharp lawyers on the other side who are angry about this, and they will find some constitutional questions to take to the court.

I have talked with these people, and I believe they may accept the pipeline, if we leave them something out of this.

Yes, we are going to build the pipeline. But leave them something. Leave the sanctity of this act as it is. Let it stand. Give them their final day in court. Give the environment a chance to go along by the process which we set out.

Mr. Chairman, I suggest to the Members, if they are in doubt on this question, that they can have it both ways. We can be on the side of the environment and at the same time, by one of the key, vital votes of the decade, assure that we will have the Alaskan pipeline built so that we can get the oil down from Alaska.

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

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

Mr. WYDLER. Mr. Chairman, I thank the gentleman for yielding.

I do not quite understand the gentleman's argument, however. Is the gentleman assuring this House today that if this matter goes back to court, the court is going to find that everything is OK and the pipeline can be built?

Mr. UDALL. Mr. Chairman, the district court has already found that; three of the seven judges of the circuit court of appeals have already found it. The Supreme Court has not ruled on it, but my prediction is—and it is only a prediction—that the matter can be concluded in another 3 or 4 months, and that in 11 months we can get the final action in the Supreme Court, and I am confident that a third or a fourth or a half of that time will be sufficient to complete the process.

Mr. WYDLER. Mr. Chairman, the gentleman's assurance to the House, it seems to me, is that if we let the Court decide it, they will decide in favor of the pipeline.

Why do we not decide that issue today ourselves?

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

Mr. Chairman, first of all, I am very sorry, in listening to the statement of my good friend, the gentleman from Arizona (Mr. UDALL), that he gave some indication that some of us who might possibly oppose this amendment might in some way be succumbing to the interests of great oil companies.

Up until this point, rhetoric of that type had not been injected into the debate, and I was sorry to hear it.

Let me say that for myself I intend to vote against this amendment. I have not even been contacted by an oil company. I would assume that their position is against the Dellenback amendment, but I believe that it is a very sad day when we inject that type of statement into a very high-planed debate.

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

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

Mr. UDALL. Mr. Chairman, I do not want my words misinterpreted.

The gentleman from Ohio is an honest, objective, independent legislator. I do not suggest that he or anyone else would be unduly influenced by any special interests. I am sure that the gentleman is making up his own mind based upon the facts and the arguments.

Mr. ASHBROOK. However, Mr. Chairman, the gentleman did indicate or infer that a vote for something other than the position he was supporting would be bowing to oil companies. Did the gentleman not say that?

Mr. UDALL. Well, the oil companies are trying to panic this country and panic this House and this Congress.

Mr. ASHBROOK. Does the gentleman say that the ecologists are not trying to panic this country?

Mr. UDALL. Mr. Chairman, we are not going to get a drop of oil out of this line until 1978, and yet one would think, after hearing the arguments, that all the Esso tigers tank would be full of gas next week if we do not vote down this amendment.

Mr. ASHBROOK. Mr. Chairman, I believe the oil companies in some way have helped to create some of the crisis. I agree with the gentleman from that standpoint.

There are two points I would like to make very briefly.

Mr. Chairman, I find the argument very novel that in some way or other due process would not be followed if we were to vote for the language the gentleman from Utah and the gentleman from Oregon would like to remove.

What is wrong with this Congress? When did we ever get the idea we are not a part of due process in this country? Who speaks more for the national interest than the U.S. Congress? We are a part of due process. We must not let anyone tell us we are circumventing due process by enunciating a policy. I am not saying the policy would be right or wrong. A national policy asserted in this body is a part of due process.

Second, I have heard the argument repeated that there is something wrong with the Congress on occasion substituting its judgment for the judgment of the courts. We could stand here for hours and tell of times that the Congress has substituted its judgment for that of the courts. I can think of many areas where we should substitute our judgment.

Mr. Chairman, I know a little bit about labor law. For 50 years we had contracts relating to personal services. With one sentence in a legislative enactment, this Congress removed from all Federal courts the power of enforcement in labor contracts. That was substituting our judgment as a part of due process for the law as it was then being expressed in the Supreme Court decisions. It was constitutionally proper. It prevailed.

The Supreme Court abided by the national expression of judgment of this body and no longer enforced what were called yellow dog contracts.

We could go up and down the line in 20 different areas of labor law. This Congress speaking in due process for the national interest can substitute its will for the will of the court, in virtually every case the court has gone along with the expression of judgment of this body in these jurisdictional matters. The court has even gone along with expressions of judgment of this body removing the jurisdiction of the Supreme Court itself. Go back to your 1869 case of ex parte McCardle. The court, in a famous Civil War case upheld a statute which removed the jurisdiction of the Supreme Court itself.

I am not addressing myself to the matter of policy, because there are people far more intelligent than I am on that aspect. My belief, my gut feeling, is the Dellenback amendment would be harmful, but I would rather talk to the prerogatives of this body.

Do not let anybody tell you we are violating due process when we speak, be-

cause we are a part of due process, a most important part. Do not let anybody tell you we should not on occasion, speaking as a national body, indicate what we feel to be proper national policy and maybe even substitute our judgment for that of the courts once in a while.

Mr. MILFORD. Will the gentleman yield?

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

Mr. MILFORD. I thank the gentleman for yielding, and I would like to associate myself with his statement.

I was also somewhat distressed by the suggestion that, by voting against this amendment, one would be against the National Environmental Policy Act, and a puppet of the oil companies.

Mr. Chairman, I think it is time for us to come out of the clouds bearing these super semantics and land on Earth with some plain talk.

The primary purpose of this bill is to permit the construction of a pipeline that will bring vitally needed energy to the mainland of the United States. The bill, as written, will do it.

The second purpose of the bill is to exempt certain provisions in the National Environmental Policy Act—NEPA—of 1969. Now, to further boil this ringing rhetoric down to terms that most people understand, the only exemption we are making in the NEPA is to prevent citizen law suits from again tying up the pipeline project.

Proponents of this amendment seem to think that it is sacrilegious to even dare change a word in NEPA as originally written. They infer that to do so would immediately make you an enemy of the environment and a lackey of the oil companies.

I would point out that no law is perfect. As my experienced colleagues know, we continually amend our laws to make them better. NEPA needs amending. Specifically, the "citizen law suit" factor should be removed from NEPA.

When NEPA was originally written, it was felt that the citizen law suit factor would assist in monitoring the environment. This section of the law was enacted with good intentions. However, it has backfired.

Instead of the citizen law suit factor acting to help clean up our environment, it has produced a monster. Radical pseudo-environmentalists have grasped this section of the law and used it as a harassing and delaying tactic. Unscrupulous lawyers have used it as a self-serving boondoggle to line their pockets with legal fees.

The citizen law suit factor has been, and is being, used as a legal means of "shaking down" companies involved in constructing power plants, refineries, pipe lines, dams and other vitally needed energy production facilities.

The original good intentions of this Congress, in enacting the citizen law suit provision, have been prostituted. This provision, more than any other factor, is severely aggravating our growing energy crisis.

In one sense, I agree with the proponents of this amendment. It is not the real answer. Instead of enacting an exemption to the citizen law suit factor of NEPA, we should really amend the NEPA and remove that factor altogether.

I am proud to announce that, if the committee is willing, you will soon have an opportunity to amend the NEPA. I am in the process at this time of writing a bill that will amend NEPA by removing entirely the citizen law suit provision. If the bill passes, this type of law suit can only be filed by elected prosecutors.

Lest anyone in this House misunderstand my motives, I would like it clearly understood that I am an avid environmentalist. Some of the opponents of this amendment have slurringly referred to the backers of this amendment as "professional environmentalists." Well, I am not a backer of the amendment. Furthermore, with the possible exception of the gentlemen from Washington (Mr. McCormack) I think I can truthfully say that I am the only professional environmentalist in the House of Representatives.

I have been a practicing professional meteorologist since 1953. Long before ecology became a fad, that few people really understand, I spent many evenings on my daily television presentation educating and warning people of air pollution.

No one has a greater interest in seeing our environment cleaned up, than I. Parenthetically, we have to apply some degree of commonsense in doing the job. Malicious delays in vitally needed energy resources do not clean up our environment. So far, citizen lawsuits have only cleaned the pocket books of energy producing companies. They have done nothing to benefit our environment.

I would urge my colleagues to vote against this amendment. There have been enough delays. This country needs the oil from Alaska and we need it now.

Mr. ASHBROOK. To close on that point, is it not possible, seeing the Congress in this position, we could speak for NEPA on one occasion and on another occasion say in this particular instance this should be the case. That is all we are saying here. It is a part of the legislative process and due process.

I urge the defeat of the Dellenback amendment.

Mr. ECKHARDT. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I do not say for a minute that by passing on what is an adequate environmental statement we would in any wise act unconstitutionally, but I do say that we would act unwisely.

If we would be the house of Daniel Webster and, more meaningfully, if we would be the house that Jefferson and Hamilton and Marshall envisaged, we would write the law and let it apply, as it is written to whomsoever it should fall. That is the real question here.

We have written the law and the standards in NEPA. We have then called upon the agency to determine whether or not the action proposed is within the proper environmental limits. The agency acting under the law took the course that it thought was proper. The district court sustained it. The court of appeals said that the agency had not considered properly the elements required under law.

This is not a question of the Congress acting or NEPA acting; this is a question of whether or not once having written the law and once having written the standards we are going to come in, in this specific instance, and decide that the environmental provisions of NEPA shall be set aside in this specific case and we shall proceed in spite of the decision of the court of appeals.

Mr. MELCHER. Will the gentleman yield?

Mr. ECKHARDT. Surely.

Mr. MELCHER. I thank the gentleman for yielding.

I would like to point out that the district court did indeed rule on the environmental impact statement of NEPA, but the court of appeals did not rule on that issue at all. The court of appeals ruled only on a technicality—the 50-foot right-of-way.

Mr. ECKHARDT. I understand what the court of appeals said is that the provisions of NEPA have not been properly complied with and that the decision——

Mr. MELCHER. No.

Mr. ECKHARDT. What is holding up the case, then, if the court of appeals did not send it back for further proper action by the agency?

Mr. MEEDS. Will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. MEEDS. The fact is that the court of appeals did not decide——

Mr. ECKHARDT. I understand that.

Mr. MEEDS. The sufficiency of the environmental impact statement.

Mr. ECKHARDT. I have not said that. I agree that the court of appeals has not finally determined the question.

All they said is that the action up to now is not sufficient to comply with the act.

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

Mr. ECKHARDT. I yield to the gentleman from Montana.

Mr. MELCHER. I thank the gentleman for yielding.

All the court of appeals said was that the Secretary of the Interior did not have any statutory right to grant a right-of-way under any conditions wider than 50 feet.

Mr. ECKHARDT. That is right.

Mr. MELCHER. They did not rule at all on the NEPA requirement.

Mr. ECKHARDT. Title I is a perfectly proper title. Title II does what the law says to do, and says the whole act ought to be amended to comply with a situation which requires modern change, but in title II instead of changing the law you simply say that the law shall not be applicable with regard to this specific act regardless of what the courts say.

Is that not what is said in title II?

Mr. MEEDS. Mr. Chairman, if the gentleman will yield, I am quoting from the circuit court's opinion on page 91, and it says:

> The final reason why we pass over the NEPA issues at the present time is that many of the issues involve still disputed questions of fact.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. OWENS, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Of course, if what the gentleman has said is correct then there is no reason to write anything but title I, because title II, as I understand its language, if I can read the English language and, like Senator ERVIN said, it is my native tongue; it simply says that the actions of the Secretary of the Interior shall be taken to be fair and whatever the court says NEPA provides will have no effect.

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

Mr. ECKHARDT. I yield to the gentleman from Utah.

Mr. OWENS. Mr. Chairman, the point I think we have been trying to make on that question is that the courts already have decided that, eight judges have heard it, a District Court Judge and seven judges of the Circuit Court of Appeals.

The District Court found the statement to be sufficient, and three of the Circuit Court judges found the statement to be sufficient, but four, the majority at the Circuit Court level, refused to rule on that question at all. But three of the seven did say they found it to be sufficient.

Mr. ECKHARDT. Then, as I understand this language, the judges will never have a chance to decide on the second question, but the second question will be decided by this Congress on a factual basis as meeting compliance with the standards of NEPA.

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

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

Mr. REID. Mr. Chairman, I commend the gentleman from Texas upon his fine statement. It is very clear that the action that might be posed by the amendment would make the law not applicable. I think the gentleman made that point with reference to the most important environmental law in the books.

I mention, in addition, section 203, which the gentleman has not referred to, and it says: "as amended by title I of this act, but without the notice required by subsection 28(g), and without further action under the National Environmental Policy Act of 1969,".

The Secretary is permitted without further action under the act to proceed, and this strikes me to be thoroughly within what the gentleman says, that the law has no application.

Mr. ECKHARDT. And under section 203 it also says that no other law shall be applicable to halt the Secretary finding what is necessary not only for the construction, but for the operation and maintenance of the pipeline.

I read that to mean that even such laws as OSHA and the rate-making provisions with respect to common carriers and every other law is suspended if the Secretary decides that it is necessary to suspend them not only for construction but for operation and maintenance. We are simply negating all of the law with regard to the trans-Alaska pipeline from now on.

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

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

Mr. SARBANES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman is absolutely right. NEPA involves not only standards but precedures for judging whether those standards have been complied with. This legislation today negates those procedures. It denies the availability of judicial review which is an essential part of NEPA. For anyone to contend today that NEPA is not being undercut and stricken by this legislation is to close their eyes to an essential feature of the NEPA legislation which the gentleman from Texas has so ably pointed out.

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

Mr. Chairman, a few minutes ago the distinguished chairman of the Public Lands Subcommittee quoted from Daniel Webster as his words appear above this Chamber. I would follow his remarks by drawing the Members' attention to the end of this quotation, for in September of 1969 this body, by an overwhelming vote of 372 to 15 "performed something worthy to be remembered" by creating the National Environmental Policy Act.

The amendment proposed by my colleague, the gentleman from Oregon (Mr. DELLENBACK) will continue the impact of NEPA as it was intended when passed in 1969.

An editorial in the July 28 issue of Business Week sums up the need for this amendment very well. I quote from the editorial:

> But the NEPA has proven itself an important and effective piece of legislation. By requiring environmental impact statements on all projects licensed by the federal government, it has successfully forced agencies to consider environmental factors early in the planning stages, and weigh alternatives. The pipeline itself will be a safer project because of the NEPA. Exempting the pipeline from NEPA would set a dangerous precedent. Other agencies will be tempted to seek exemption for their pet projects, and the NEPA could become just another piece of paper.

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

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

Mr. STEIGER of Arizona. The part referred to exempts NEPA in this bill. I do not think that the gentleman means that the editorial is correct. I gather he was quoting from the editorial.

Mr. REGULA. That is correct.

Mr. STEIGER of Arizona. I do not think the gentleman wants to be on record as saying he believes that the bill as written does not let the pipeline comply with NEPA. Is that what the gentleman contends?

Mr. REGULA. No. The bill as written would override the environmental impact statement required by NEPA. The thrust of the Dellenback amendment, is to provide recourse to the courts for anyone who would want to challenge the validity and adequacy of any environmental impact statement concerned with the Alaska pipeline.

Mr. STEIGER of Arizona. If the gentleman will yield further, the question of whether or not the language in the bill as it is written permits the pipeline to ignore the direction and the result of the NEPA activity is not the gentleman's intention? The word "exempt" in the provisions of NEPA is a very deceptive phrase. The bill as it is written does not do that. The bill only addresses recourse to the courts. I know the gentleman is aware of that. I would not want him to make the same mistake that was made in the editorial.

Mr. REGULA. In effect the statement in this editorial saying "exempting from the court procedures" means exempting from recourse to the courts.

Mr. STEIGER of Arizona. But it does not say that.

Mr. REGULA. Perhaps it needs clarification. Let me finish:

> Nor is it certain that the Gravel amendment will speed the arrival of Alaska oil. Environmentalists, whose refusal to compromise prompted the amendment in the first place, can be counted on to challenge it, arguing that Congress has no right to deny judicial review when the pipeline case is already before a federal appellate court. That could drag on longer than the current litigation, which is drawing to a close.

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

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

Mr. DELLENBACK. May I make a brief comment? The chairman of the subcommittee, the gentleman from Montana (Mr. MELCHER) stated that there was a question that somebody was raising as to whether we have the power to authorize the Alaskan pipeline. Of course, we have that power, so long as we do so in a way that does not violate the Constitution, and that is one of the questions that this legislation raises and which most certainly is going to lead to new litigation, questioning whether we are violating the Constitution.

Insofar as whether the comment which Mr. MEEDS of Washington raised about updating the environmental impact statement is concerned, we specifically in committee asked the Secretary of the Interior whether he was steadily updating all of his data so he could supply anything necessary for any revision or updating of the environmental impact statement. He flatly stated he was doing exactly that. So when it comes to any time delay there, there should not be any.

Our provision that is in the amendment would speed up the litigation. How much? The normal process for new litigation can, of course, run 2 or 3 years.

But I would refer the House to a couple of recent pieces of litigation including the case of the Pentagon papers where, from the time it went to the district court through the circuit court and to the Supreme Court, we had about 3 weeks. So if the courts would expedite, as our amendment would call for, the time involved will be far shorter than if new litigation must start from scratch.

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

Mr. Chairman, I wish to commend our colleague, the gentleman from Ohio who represents the district bordering mine,

for a very fine statement, and I associate myself with his remarks.

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

Mr. Chairman, I shall not take all the time but I did wish to share with the Members a few observations about some of the legal and constitutional questions which have been alluded to earlier in the debate.

I agree with my friend, the gentleman from Texas, that the questions are largely judgmental and do not rise to the magnitude of constitutional issues as has been alleged by others who preceded me. The rights of the litigants in these matters arise out of, and are dependent upon, an act of Congress. There is no common law right to an impact statement or to any particular requirement thereof so far as I am aware. There is no independent constitutional right to any particular form of an impact statement or procedure for testing its adequacy.

The real question is and always has been in this litigation whether or not the requirements of an Act of Congress have been met.

Let me say it is wholly consistent with the Constitution for the Congress itself to make its intention in that regard absolutely clear. The courts have been wrestling with the question of what is the true intention and the will of Congress. It does no violence to the Constitution for this Congress to settle that question with clarity. That is of course what this legislation purports to do.

There can be no doubt that Congress may repeal NEPA in its entirety and render moot all of these cases now pending.

There is no question that if it wishes to do so Congress may modify NEPA.

I wish to suggest to all Members that there is nothing wrong constitutionally with the Congress interpreting NEPA, as it is doing in this legislation.

There are a couple of other quick points which need to be mentioned. It has been said that the amendment offered by the gentleman from Oregon will tend to limit litigation, and that new litigation will be spawned by this bill before us. We would be naive if we believed that attorneys will not find some way to protect their clients and will file lawsuits for that purpose if the bill before us is enacted. But we would be equally naive to believe that the resolution of the case now pending in the District of Columbia is going to terminate all litigation with respect to NEPA. There are going to be new litigants, new issues, and litigation is going to be pending before the court for so long as an attorney can file a course of action and find a district court judge who will sign a TRO. That is going to be the case for years whatever we do here if it is in the interest of those who object to this pipeline to file such litigation.

There is one final matter. There is a procedure under the amendment for expediting cases which I think Members ought to question. Is it wise legislation to say in a statute that a given piece of civil litigation shall take precedence over all cases pending before the district court? I realize there is precedent for the granting of such priority but I would suggest it is not in the interest of justice to give this litigaton priority over criminal litigaton and run the risk of depriving defendants in a criminal case of their sixth amendment rights.

Mr. ECKHARDT. Mr. Chairman, I am concerned about that very much myself. As a matter of fact, I do not know whether that will take precedence over their dockets if they are district judges that sit on the three-judge court or not. I suppose it would have to preempt the time off all three judges regardless of what their dockets are and they would have to give them up, I assume, under this language and immediately devote their attention to this matter. It would interfere with one court of appeals judge and two district judges.

Mr. WIGGINS. That is correct.

Mr. SAYLOR. Will the gentleman yield?

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

Mr. SAYLOR. Mr. Chairman, I hope the gentleman from California will offer an amendment taking out the provision we put in on pages 16 and 17, because we established a system whereby a special three-judge court will act on all cases dealing with the pipeline. The language there says that any action shall be assigned to and be heard by this special three-judge court at the earliest time, and shall take precedence over all other matters pending.

Mr. FRENZEL. Mr. Chairman, I rise to speak in favor of the amendment.

Mr. Chairman, I am pleased to be a cosponsor of the Dellenback amendment and congratulate the distinguished gentleman from Oregon (Mr. DELLENBACK) and Utah (Mr. OWENS) for their leadership.

Few people will challenge the need for this bill or the need for Alaskan oil. I do not. But, as much as we need the oil we also need to preserve the fundamental environmental policy of this country.

The committee version waives the provisions of NEPA. As I recall, the Congress has, wisely, not done that before, even in other tempting situations.

The debate today provides conflicting opinions regarding litigation over the environmental aspects. I have not been persuaded that there will be any more litigation under the Dellenback amendment, and it seems reasonable to me that litigation under that amendment will move along more swiftly. From this point of view the Dellenback amendment allows us to have our cake and eat it, too. We can preserve NEPA and not slow down the pipeline any more than under a version which would overthrow NEPA.

I urge this committee to approve the Dellenback amendment and pass this bill.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

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

Mr. DU PONT. Mr. Chairman, I rise in support of the amendment offered by my colleague from Oregon. I think this is an amendment which will in no way frustrate the intention of the legislation reported by the committee and will permit the Members of this body to display confidence in the environmental legislation which has been recently enacted by the Congress.

The energy demands of this country are growing at a staggering rate and the supply is simply not keeping pace. Our net deficit can only be satisfied in the short term by increased imports from the Middle East. Reliance on the Middle East and the attendant—balance-of-trade deficit is simply not an acceptable long-term solution for the American public. The Alaska pipeline I believe will provide a partial solution to that long-term need for domestic fuel.

But as we approach the solutions of the energy crisis we cannot fall into the easy alternative of dismantling the environmental gains we have achieved in recent years.

The National Environmental Policy Act is the cornerstone of our environmental laws. It is a sound law and represents the conviction of the Congress that the Federal Government must make a prior assessment of the impact of its actions on the environment. This is not a dilatory law which simply requires developers to jump through bureaucratic hoops. It is good commonsense policy. It is a reasonable law that has already prevented many short sighted governmental actions.

Like all laws it was meant to be administered by the courts. To require the Congress to make case by case determinations of compliance with the act would bring this Congress and the country to a standstill. Congress should not sit as its own judge. What I do not understand then is why the members of the committee want to start a precedent of bringing before the Congress the interpretation of a law which rightfully should be before the courts.

Opponents of this amendment claim that this is a once in a lifetime case and that it is not a precedent. I can think of no exception that soon does not become some sort of precedent.

What is more we do not need to shortcut the judicial review under NEPA. The act is not responsible for the continued delay. The court of appeals simply told the Congress that there was not sufficient enabling legislation on the books to permit the granting of the permit application. The merits of the NEPA argument were never reached in that appeal. We now have enabling legislation before us and the circuit court may now rule on compliance with NEPA.

We already have one district judge who said that the six-volume impact statement is adequate, and the Federal judge who would hear this case is fully acquainted with the issues and the magnitude of this case. There is no reason to expect that he will not act promptly.

Why then does the Congress feel compelled to wrench this case out of the hands of the courts before the process is complete? The clear implication is that we do not think either the courts or the law itself are up to the task at hand, or that the environmental impact statement could not pass muster before the courts interpreting our own laws.

I think the law and the judges are up to the task and they should be permitted to prove that. If Congress begins to intervene everytime a major project is tied up in litigation, the law will soon be nothing but ink on a page.

We have a good policy on the books and if we allow it to be short-circuited in this major test case, I think we have effectively admitted to the public that we do not have faith in our own laws and in the court system. I, therefore, urge my colleagues to vote for this amendment and to permit the National Environmental Policy Act to prove its effectiveness and flexibility.

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

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

Mr. UDALL. Mr. Chairman, I address myself to the last point of the gentleman from California (Mr. WIGGINS). It underlines the extent to which we have gone to try to save this principle of NEPA—court review. Not only did we retreat time after time in drafting this legislation, but we finally produced an amendment to give the highest court priority to Alaska pipeline suits which good lawyers such as Mr. WIGGINS and Mr. DELLENBACK think is unwise. We ask the courts to set aside all their pending business and decide this matter. We cannot compromise beyond this point and have anything else.

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

Mr. FRENZEL. I yield to the gentleman from Utah.

Mr. OWENS. Mr. Chairman, I may take only 30 seconds to respond to the gentleman from California (Mr. WIGGINS) about the constitutional issue.

This bill, the National Environmental Policy Act, in fact, gave due process opportunity to many people. Those were recognized by the Senator from Alaska, Senator STEVENS, who more than anyone else has been opposing this amendment.

Senator STEVENS said on the floor of the Senate 2 weeks ago when they passed this bill:

I say, one new ground for litigation. That one new ground for litigation is the constitutionality of the finding of Congress and the granting of the right-of-way. I believe that is one ground, not two——

He admitted there were due process, powers, and one other constitutional question on which this bill overriding NEPA could be challenged. There will be more litigation resulting from overriding NEPA than from allowing it to complete its course.

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

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

Mr. DELLENBACK. Mr. Chairman, one last statement. The choice is not between the Alaska pipeline and this amendment. We can, in good conscience and consistently, move forward and adopt this amendment and then proceed to overwhelmingly pass this bill.

Mr. MADDEN. Mr. Chairman, I rise to speak against the amendment.

Mr. Chairman, just before I left my office, 15 minutes ago, I received a letter from back home. I represent the largest industrial congressional district in the United States. In the last week I have received many similar letters. I will read this letter. It comes from Mr. and Mrs. Edward S. Frunk, 7424 Colorado Avenue, Hammond, Ind.:

HAMMOND, IND.,
July 28, 1973.

DEAR RAY: Almost exactly 14 years ago my family visited your office in Washington. My two year old son will soon be 16 years old and a junior in high school. Seems only a short time ago you sat him in your big office chair.

To me he is far more important than the caribou in Alaska, the tundra, and the polar ice caps. My future and his will be a lot better if H.R. 9130 on the trans-Alaska pipeline passes.

Your vote can help it pass and assure a bright future for many more like us in the Calumet region.

Yours truly,

EDWARD S. FRUNK.

I have another letter which I will read. This letter is dated August 1, and is a statement by the AFL–CIO Executive Council on the Alaska pipeline. It is signed by Andrew Biemuller, top official of the AFL–CIO. The letter contains the following statement of the AFL–CIO Council:

STATEMENT—AFL–CIO

The Senate is to be commended for passage of S. 1081, introduced by Senator Henry M. Jackson, to clear the way for prompt construction of the Alaska pipeline and early development of one of our largest domestic reserves of petroleum—Alaska's North Slopes. The Jackson bill, as amended by Senators Gravel and Stevens, would hasten construction of the pipeline by obviating the necessity of further judicial review.

The Interior and Insular Affairs Committee of the U.S. House of Representatives has reported out favorably a bill (H.R. 9130) by Congressman John Melcher of Montana, which is similar to the Senate-approved measure. We urge the House to pass this bill this week.

It is imperative in the interests of the American economy, national security and America's balance of trade that this nation develop this domestic reserve of oil to reduce dependence on petroleum imports.

The AFL–CIO strongly supports construction of the trans-Alaska pipeline because it is the fastest, most economically feasible and most secure method of transporting oil from the North Slope fields to the rest of the United States.

This Congressional action is necessary to legalize many other oil and gas pipelines in all regions of the country which, as a result of a recent court decision, are technically illegal. Unless legal remedy is promptly provided, the pipelines could be enjoined and the energy crisis worsened.

H.R. 9130 would permit early start of work on the Alaska pipeline by solving the right-of-way problem while providing strict environmental safeguards and stringent liability requirements if damage should result from the pipeline authorization.

H.R. 9130 also deals with the problem of judicial review in provisions similar to the Senate version. Other provisions of the bill would insure that the Alaskan oil be used in America's domestic markets and would authorize a feasibility study of a second pipeline across Canada while construction proceeds on the Alaska line.

We urge passage of H.R. 9130 by the House so that American workers can get about the job of building the pipeline and related plant construction and U.S. shipyards can speed building of the 33 new U.S. flag tankers which would be manned by American seamen in the carriage of this oil which is so badly needed to relieve the nation's energy crisis.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLENBACK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 221, not voting 14, as follows:

[Roll No. 420]

AYES—198

Abzug	Fraser	Pike
Adams	Frelinghuysen	Podell
Anderson, Calif.	Frenzel	Preyer
Anderson, Ill.	Frey	Price, Ill.
Andrews, N. Dak.	Fuqua	Pritchard
Annunzio	Gaydos	Quie
Ashley	Gibbons	Railsback
Aspin	Gilman	Rangel
Badillo	Grasso	Rees
Bafalis	Green, Pa.	Regula
Bell	Griffiths	Reid
Bennett	Grover	Reuss
Bergland	Gude	Riegle
Biaggi	Gunter	Rinaldo
Biester	Hamilton	Robison, N.Y.
Bingham	Hanley	Rodino
Blatnik	Hansen, Idaho	Roe
Boggs	Harrington	Roncallo, N.Y.
Boland	Harsha	Rooney, Pa.
Brademas	Harvey	Rosenthal
Brasco	Hays	Rostenkowski
Breckinridge	Hechler, W. Va.	Roush
Brinkley	Heckler, Mass.	Roy
Brown, Calif.	Heinz	Roybal
Brown, Mich.	Helstoski	Ruppe
Buchanan	Holtzman	Ryan
Burke, Calif.	Horton	St Germain
Burke, Mass.	Howard	Sarasin
Burlison, Mo.	Hungate	Sarbanes
Burton	Jordan	Saylor
Carey, N.Y.	Karth	Schroeder
Carney, Ohio	Kastenmeier	Seiberling
Chisholm	Kemp	Shoup
Clay	Koch	Staggers
Cohen	Kyros	Stanton, J. William
Collins, Ill.	Leggett	Stanton, James V.
Conte	Lehman	Stark
Conyers	Lent	Steele
Cotter	Long, Md.	Steiger, Wis.
Coughlin	Lujan	Stokes
Cronin	McClory	Studds
Culver	McCloskey	Sullivan
Danielson	McDade	Symington
Dellenback	McKinney	Taylor, N.C.
Dellums	Macdonald	Thompson, N.J.
Denholm	Madigan	Thomson, Wis.
Dent	Mailliard	Thone
Derwinski	Mallary	Thornton
Diggs	Mann	Tiernan
Dingell	Matsunaga	Udall
Donohue	Mayne	Van Deerlin
Drinan	Mazzoli	Vander Jagt
Dulski	Mezvinsky	Vanik
Duncan	Minish	Vigorito
du Pont	Mink	Waldie
Eckhardt	Mitchell, Md.	Whalen
Edwards, Ala.	Mitchell, N.Y.	Winn
Edwards, Calif.	Moakley	Wolff
Esch	Moorhead, Pa.	Wydler
Evans, Colo.	Mosher	Yates
Fascell	Moss	Yatron
Findley	Murphy, Ill.	Young, Fla.
Fish	Nedzi	Young, Ga.
Flood	Nix	
Foley	Obey	
Ford, William D.	O'Hara	
	O'Neill	
	Owens	
	Patten	

NOES—221

Abdnor	Green, Oreg.	Perkins
Addabbo	Gross	Pettis
Alexander	Gubser	Peyser
Andrews, N.C.	Guyer	Pickle
Archer	Haley	Poage
Arends	Hammer-schmidt	Powell, Ohio
Armstrong	Hanrahan	Price, Tex.
Ashbrook	Hansen, Wash.	Quillen
Baker	Hastings	Randall
Barrett	Hawkins	Rarick
Beard	Hébert	Rhodes
Bevill	Henderson	Roberts
Blackburn	Hicks	Robinson, Va.
Bolling	Hillis	Rogers
Bowen	Hinshaw	Roncalio, Wyo.
Bray	Hogan	Rose
Breaux	Holifield	Rousselot
Brooks	Holt	Runnels
Broomfield	Hosmer	Ruth
Brotzman	Huber	Sandman
Brown, Ohio	Hudnut	Satterfield
Broyhill, N.C.	Hunt	Scherle
Broyhill, Va.	Hutchinson	Schneebeli
Burgener	Ichord	Sebelius
Burke, Fla.	Johnson, Calif.	Shipley
Burleson, Tex.	Johnson, Colo.	Shriver
Butler	Johnson, Pa.	Shuster
Byron	Jones, Ala.	Sikes
Camp	Jones, N.C.	Sisk
Carter	Jones, Okla.	Skubitz
Casey, Tex.	Jones, Tenn.	Slack
Cederberg	Kazen	Smith, N.Y.
Chamberlain	Keating	Snyder
Chappell	Ketchum	Spence
Clancy	Kluczynski	Steed
Clark	Kuykendall	Steelman
Clausen, Don H.	Landrum	Steiger, Ariz.
Clawson, Del	Latta	Stephens
Cleveland	Litton	Stratton
Cochran	Long, La.	Stubblefield
Collier	Lott	Stuckey
Collins, Tex.	McCollister	Symms
Conable	McCormack	Talcott
Conlan	McEwen	Taylor, Mo.
Corman	McFall	Teague, Calif.
Crane	McKay	Teague, Tex.
Daniel, Dan	McSpadden	Towell, Nev.
Daniel, Robert W., Jr.	Madden	Treen
Daniels, Dominick V.	Mahon	Ullman
Davis, Ga.	Maraziti	Veysey
Davis, S.C.	Martin, Nebr.	Waggonner
Davis, Wis.	Martin, N.C.	Walsh
de la Garza	Mathias, Calif.	Wampler
Delaney	Mathis, Ga.	Ware
Dennis	Meeds	White
Devine	Melcher	Whitehurst
Dickinson	Metcalfe	Whitten
Dorn	Michel	Widnall
Downing	Milford	Wiggins
Eilberg	Miller	Williams
Eshleman	Minshall, Ohio	Wilson, Charles H., Calif.
Flowers	Mizell	Wilson, Charles, Tex.
Flynt	Mollohan	Wright
Ford, Gerald R.	Montgomery	Wyatt
Forsythe	Moorhead, Calif.	Wylie
Fountain	Morgan	Wyman
Froehlich	Murphy, N.Y.	Young, Alaska
Fulton	Myers	Young, Ill.
Gettys	Natcher	Young, S.C.
Giaimo	Nelsen	Young, Tex.
Ginn	Nichols	Zablocki
Goldwater	Parris	Zion
Gonzalez	Passman	
Goodling	Patman	
	Pepper	

NOT VOTING—14

Erlenborn	Jarman	Rooney, N.Y.
Evins, Tenn.	King	Smith, Iowa
Fisher	Landgrebe	Wilson, Bob
Gray	Mills, Ark.	Zwach
Hanna	O'Brien	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. UDALL

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

The Clerk read as follows:

Amendment offered by Mr. UDALL: Page 12, strike out line 15 and all that follows down through and including line 21 on page 22 and insert in lieu thereof the following:

SEC. 201. This title may be cited as the "Alaskan Petroleum Transmission Act of 1973".

SEC. 202. The Congress hereby finds that—

(a) energy sources are in short supply and the Congress should act to hasten the recovery of underground petroleum reserves on the North Slope of Alaska;

(b) the principal alternative routes for constructing a transmission system for such recovery are a proposed trans-Alaska pipeline from the North Slope to Valdez and thence by oceangoing tanker to the west coast of the United States, or from the North Slope through northeastern Alaska and Canada to the midwest area of the United States;

(c) the alternative methods of recovery and delivery of such petroleum should be reviewed objectively, and diplomatical problems arising from the adoption of any alternative should be identified and clarified; and

(d) the study of alternative methods of recovery and delivery should thoroughly consider and examine the environmental effects, economic costs, and national security aspects of such recovery and delivery method.

SEC. 203. The Congress declares it to be in the national interest that no decision generally affecting the siting of transmission facilities on public lands in Alaska for the purpose of recovering and delivering petroleum reserves from the North Slope should be made by any Federal agency until the Congress has had an opportunity to review plans for recovering and delivering such petroleum reserves.

SEC. 204. (a) The Comptroller General of the United States (hereafter in this title referred to as the "Comptroller") is authorized and directed to conduct a thorough study of the two principal alternative routes proposed for recovering and delivering to the continental United States the petroleum reserves located on the North Slope of Alaska:

(1) A trans-Alaska pipeline from the North Slope to Valdez, Alaska, and then by oceangoing oil tanker to the west coast of the United States.

(2) An overland pipeline from the North Slope across northeastern Alaska and through Canada to the midwest section of the United States.

(b) The Comptroller shall report his findings and conclusions, based on the study authorized by this section, to the Congress, and shall file a final report, based on such study, with the Congress no later than January 1, 1974. In conducting the study authorized by this section giving equal consideration to the environmental impact, economic cost, and national security aspects of the two principal alternative routes, the Comptroller shall—

(1) identify and define those market areas in the continental United States that are expected to experience the greatest immediate and long-range demand for petroleum; and

(2) determine whether an Alaskan oil pipeline-oceangoing tanker system or an overland Canadian pipeline system is the better system of delivery for such North Slope petroleum in order to meet the demand for such petroleum.

(c) In conducting the study authorized by this section the Comptroller is authorized and directed to enter into such contracts with the National Academy of Sciences as may be necessary and appropriate to carry out the purposes of this title.

(d) The Comptroller is authorized to secure from any department, agency, or instrumentality of the Federal Government any information he deems necessary to carry out his functions under this title. Upon request of the Comptroller, the head of any Federal department, agency, or instrumentality is authorized (1) to furnish the Comptroller such information as may be necessary for carrying out his functions to the extent it is available to or procurable by such department, agency, or instrumentality and (2) to detail to temporary duty with the Comptroller, on a reimbursable basis, such personnel within this administrative jurisdiction as the Comptroller requests, each such detail to be without loss of seniority, pay, or other employee status.

SEC. 205. The Secretary of the Interior, and such other Federal officials as may be appropriate, are authorized and directed to enter into negotiations with the Government of Canada to determine the feasibility and availability of a right-of-way across Canadian territory for the construction and operation of transmission facilities for the petroleum reserves on the North Slope of Alaska. The Secretary and such other Federal officials shall report the results of their negotiations to the Congress and to the Comptroller no later than December 1, 1973.

SEC. 206. All reports required by this title to be filed with the Congress shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate.

SEC. 207. (a) Notwithstanding any other law, rule of law, or any order or decision of any court, no order or rule of the Secretary of the Interior, or of any other Federal agency or officer of the United States, granting a right-of-way, easement, or special land use permit, respecting any Federal land, for the construction and operation of a pipeline for the transmission of petroleum from the North Slope in Alaska shall take effect until after the end of the sixty-day period beginning on the date the Comptroller files his final report under section 204(b). As soon as practicable after the end of such sixty-day period the Secretary of the Interior shall, notwithstanding any other provision of law, or order or decision of any court, upon application, grant such rights-of-way or easements, and issue such special land use permits, with respect to any Federal land, as may be necessary to construct, operate, and maintain a petroleum transmission system along the route determined by the Comptroller, as a result of the study authorized and directed by section 204, to be the better of the two principal alternative routes, unless the Congress has adopted, during such period, a concurrent resolution, according to the procedure specified in section 208, disapproving such route. Such rights-of-way, easements, or special land use permits may be granted or issued for such width as the Secretary of the Interior determines necessary and without regard to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) If the Congress does adopt such a resolution within such sixty-day period, then the Secretary shall, notwithstanding any other law, or order or decision of any court, upon application, grant such easements or rights-of-way, and issue such special land use permits, with respect to any Federal land, as may be necessary to construct, operate, and maintain a petroleum transmission system along the other principal alternative route studied by the Comptroller under section 204. Such rights-of-way, easements, or special land use permits may be granted or issued for such width as the Secretary determines necessary and without regard to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Any action of the Secretary of the Interior under this section, granting an easement or right-of-way, or issuing a special land use permit, for the construction, operation, and maintenance of the petroleum transmission system from the North Slope of Alaska, shall not be reviewable in any court of the United States, or in any State court.

SEC. 208. (a) This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they

are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this title, "resolution" means only a concurrent resolution, the matter after the resolving clause of which is as follows: "That the Congress disapproves the route for the development of a transmission method for the delivery of North Slope petroleum described as follows: ———.", the blank space therein being appropriately filled; but does not include a concurrent resolution which specifies more than one plan.

(c) A resolution with respect to a petroleum transmission plan shall be referred to the Committee on Interior and Insular Affairs of the House of Representatives, or the Committee on Interior and Insular Affairs of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution with respect to a petroleum transmission plan has been referred has not reported it at the end of ten calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the petroleum transmission plan which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(g) When the committee has reported, or has discharged from further consideration of, a resolution with respect to a petroleum transmission plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a petroleum transmission plan, and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a petroleum transmission plan shall be decided without debate.

SEC. 209. There are authorized such funds as may be necessary to carry out the provisions of this title.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. UDALL. Mr. Chairman, the key vote which we have just taken, indicates fairly strongly that this legislation is going to pass and that the majority of the people in this country and in the Congress are going to get what they apparently want: the rather immediate start on the construction of the Alaskan pipeline. But I cannot let this opportunity pass without offering another alternative cosponsored by myself, the distinguished gentleman from Illinois (Mr. ANDERSON), the distinguished chairman of the Committee on Public Works, Mr. BLATNIK, and more than 60 other Members of this House.

We tried to be compromisers. We tried to find a consensus that would satisfy the sensible environmentalists and also satisfy those in the energy field who were seeking to bring this oil from Alaska to the United States in the most responsible and orderly way.

We started with the premise that we owed the country an answer on this question. We started from the premise that we owed an obligation to find the best way to get the oil to market without any further delay.

In our substitute, Mr. Chairman, we give the environmentalists the one thing they want, the one thing on which there really was no compromise or no give, and that was this. The environmentalists have always felt that they have never had a fair, objective study of the Canadian alternative. Yes, we have had a $7 million impact study and, yes, we have had a lot of discussions with the Canadians. But we have never had an independent look at the Canadian alternative, and so this substitute would say to the Comptroller General on behalf of the Congress—this independent arm of the Congress—take until January 1 of next year. Hire the National Academy of Sciences; get the best economists, the financial people, the best environmental scientists, and come back to the Congress January 1 with some answers.

Is the Canadian line really superior to the Alaskan line?

What are the disadvantages of each? We say to them further, have that study, in the hands of the Congress by January 1.

There is one thing the oil people wanted and that they could not give on. They wanted an end to delay, an end to the lawsuits, an answer, a decision one way or the other, up or down, so we could get on with providing this great resource.

Our substitute gives them that. We say in the substitute that the study will be given back to the Congress on January 1, and we nail it down under special House and Senate procedures guaranteeing a vote in each House of Congress within 60 days, that is, by next March 1. There is no way that this can be stalled or delayed. We give them something else the House apparently wants, and that is an override of NEPA. Our substitute says there shall be no court interference once the decision of Congress is made. Under this amendment we will have a final decision by next March.

The Under Secretary of the Interior in a statement just 3 weeks ago said we could not start the pipeline before next January anyway, and weather conditions being what they are in Alaska the fact is that the real major construction would get underway in March or April in any event. So those Members who want to override NEPA, those Members who want an answer, those Members who want a decision, and those Members who would like to give the environmentalists of this country an objective and impartial appraisal of alternatives have an opportunity in this substitute.

Mr. Chairman, I urge the adoption of this substitute.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, legislation of this type would be unnecessary if the Alaskan pipeline was the best solution to disposition of the North Slope oil. However, I am persuaded that such is not the case. A pipeline through Canada's Mackenzie Valley, delivering oil to the Nation east of the Continental Divide, appears to have substantial advantages for the entire country in addition to my particular region.

Through the decade of the 1980's, the west coast will continue to have substantial domestic production of oil in addition to diverse sources of secure foreign petroleum—Canada, Indonesia, Peru, and Ecuador among others. Current projections indicate that this region will have to obtain only 10 percent of its oil needs from the Persian Gulf states.

Compare this to the bleak situation that will face those of us to the east. With total demand of approximately 20 million barrels of oil daily, we can count on only 9 million barrels a day from domestic fields. An additional 3.2 million barrels can be expected from Western Hemisphere nations. A shortfall of nearly 8 million barrels of oil will occur each day. Only the Arab States have the oil reserves to satisfy that kind of demand, yet importing oil in those quantities from them will render the United States, east of the Rockies, dependent for 40 percent of its petroleum needs on the Middle East. This, I caution you, is an aggregate figure which includes the petroleum self-sufficient areas, regions without substantial oil production will face far higher dependency levels.

The Alaskan pipeline/tanker system will only aggravate this inequitable situation. Two million barrels dumped daily into west coast markets will create surpluses and "back out" roughly 700,000 barrels a day of secure foreign oil. The

oil will be lost to the United States. Every barrel that is lost because of surpluses or is "backed out" means one more barrel from the Middle East for the remainder of the country, a highly illogical policy. The problem would not exist if oil could be readily trans-shipped across the Rockies. Unfortunately, this would be a costly alternative even if adequate facilities existed.

The oil reserve figures also mitigate against TAPS. Thirty-four percent of our remaining discoverable oil is west of the Continental Divide—not including the North Slope, but demand in this section is only 14 percent of the national total. By contrast, 41 percent of discoverable oil is to the east, where 86 percent of our oil is consumed. Addition of North Slope reserves to those in the west raises that region's reserve total to 59 percent. To dramatize the point, the Interior Department reports that there are 18 billion barrels of recoverable oil off the west coast—two times the amount of oil at Prudhoe Bay. An Alaskan pipeline making 59 percent of the Nation's oil reserves available to but one section of the country makes no sense whatsoever.

National security will not be served by TAPS. An oil cut-off by the Arabs for political blackmail is a weapon we all fear. In that event, the Alaskan system would leave 85 percent of the U.S. population without ready access to the single largest pool of domestic oil.

Furthermore, the burden of a cut-off would be carrier solely by the east coast and Midwest. The self-sufficient west coast—with its surpluses—the Gulf States, and the Mountain States would escape unscathed. A major policy decision that leaves the population and industrial heartland of the Nation at the whims of sultans and sheiks is imprudent to say the least.

A pipeline across Canada will not place our oil in the hands of a potential enemy, as some have implied. Indeed, if we are to solve our vast energy problems, help from our northern neighbors will be vital. However, a Canadian threat to cut off oil through a Mackenzie Valley pipeline is without substance. Let me remind my colleagues, that all the oil and gas pipelines that serve eastern Canada's population centers cross U.S. soil. We are in a situation of mutual dependence.

The compelling need for a trans-Canadian oil pipeline is well established, so is its status as a viable alternative. Let me briefly recount to you the facts concerning this route. The pipeline will run 1,738 miles from Alaska to Edmonton, Alberta, where it will link up with existing systems that service the Northwest, Midwest, and East. The system will cost between $4 and $5 billion—comparable to the Alaskan system. Canada can finance it, needing only to raise a relatively small percentage of its total costs. It has been extensively studied by industry, the 15 petroleum companies of the MacKenzie Valley consortium, who prepared the $7.5 million Canadian pipeline feasibility study, and the Canadian Government, whose Northern Development Task Force has completed over 130 studies on the pipelines in the north. The Canadian Government has consistently expressed its preference for the MacKenzie Valley route and is prepared to expedite an application to build such a pipeline. Furthermore, the Canadians do not require Canadian ownership of the pipeline and are prevented by law from reserving any fixed percentage of the lines' throughput.

The pipeline can be completed and in operation by 1979 or 1980—this is according to estimates by the MacKenzie Valley consortium and the Canadian Government. The native lands claims are expected to be solved within 2 years and final construction of the pipeline could commence prior to the final settlement. Finally, Canadian environmentalists are not expected to fight the pipeline, indeed, their concern is for damage to the coast of British Columbia from TAPS tanker traffic.

I do not state this case to induce you to vote immediately for the trans-Canadian route. I merely wish to demonstrate its apparent advantages and viability as an alternative. We would be negligent if we were to authorize the Alaskan pipeline/tanker system without thorough consideration of this Canadian line. Some may contend that the cases for the two pipelines have been well presented and considered. Perhaps they have, but these cases have been developed by advocates and as such, are colored by a host of interests. This amendment grants Congress, 6 months hence, the opportunity to make a vital decision based upon objective and independent analysis—not adversary presentations.

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

Mr. Chairman, evidently some have not paid any attention to what I said previously. The seriousness of the crisis that faces this Nation and the world, whether we have the Alaskan pipeline or not, is that we face a disaster.

In order to keep from having a calamity or catastrophe, we must act and act soon, even though it will mean that in 4 or 5 years, assuming they start laying the pipeline in Alaska tomorrow, it would take 4 or 5 years before we reach the 2-million-barrels-per-day mark. However, if we start from scratch and have a study of a Canadian route, according to the Comptroller General's letter, he states it will be 18 months, not January 1. They are not going to get a report to us in 4 or 5 months. It is going to take a minimum of 18 months. Then we have to negotiate with a foreign government. Then, they have to raise 7 or 8 billions of dollars. Then, they have to get 1,800 miles of pipeline. It would be 10 to 15 years before we would reach the 2-million-barrels-per-day mark.

Let us build the Alaskan route now, and then proceed for other routes, because, if there is as much oil on the Arctic coast as they think there is, we are going to need the Alaskan route; we are going to need a couple of Canadian routes and might even have to have tankers that go around Greenland also.

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

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

Mr. HOSMER. Mr. Chairman, the gentleman makes a very valid point that it is not an either/or proposition. We are going to need lines coming down both ways. The committee bill recognizes that in section 209 by providing for a study of both oil and gas lines coming down from Canada. There will be nothing whatsoever in the world gained by this amendment, because it ignores the fact that lines will have to come down from both areas in any event.

Mr. VIGORITO. Further, the cost of that Alaskan route, half of it at least, has already been paid. There are 800 miles of 48-inch pipe in place. There are 10 or 12 campsites in place with skeleton construction crews ready to go.

We are going to pay for that whether we build the Alaska route or not. It is coming out of the economy. The oil companies are going to write it off on their tax returns and we will pay for it.

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

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

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I believe it would be appropriate at this point to recognize that the effort of the gentleman from Illinois (Mr. ANDERSON), the gentleman from Arizona (Mr. UDALL), the gentleman from Michigan (Mr. RUPPE), and all the other Members concerned about the position the gentleman from Pennsylvania is now talking about, has made a real and visible contribution. I do not believe there is any question whatever that the result of this action is a second route along the Mackenzie Valley in Canada is going to be a reality, or the study is going to be a reality. They have forced that study.

The environmentalists have forced the most stringent environmental factors in the history of this country along the rights-of-way. That is good. That is a plus. I believe their contribution cannot be overlooked simply because it does not coincide with the majority view of this House.

Mr. VIGORITO. I agree with the gentleman 100 percent. They have done a tremendous job.

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

Mr. VIGORITO. I yield to my chairman.

Mr. HALEY. Does the gentleman or anybody else have any commitment that anybody will finance a Canadian line through Canada, which will cost more than twice as much as the Alaska line?

Mr. VIGORITO. So far as I know, there are no commitments to raise $8 billion today to build the Canadian route. Let us build the pipeline through Alaska, and let us start digging tomorrow.

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

I hesitate to take any time of the Committee on this, having spent probably more time in this well than I should have the other day when the Committee on Armed Services was so successfully steering its bill through.

Having been for some years a Member of the United States-Canada Interparliamentary Group, and having met with the Canadians just a week ago in this building, I believe it ought to be put on the record that this attempt to get the facts on a Canadian route within 6 months is really just a will-o'-the-wisp.

We had a meeting with the Canadians in April. They came down here. We had a long discussion on the pipeline, and at that time they could not have been less interested. There was very little indication of any interest on their part at all.

Then, a couple of weeks ago, they expressed an urgent interest in coming down here and discussing the pipeline, after the other body had voted on it. When the Canadians came down we met, and the only thing they were concerned about, it turned out, was the possible spillage on the coast of British Columbia.

The gentleman from Illinois (Mr. YATES), who is a strong environmentalist, also met with them, and pled with the Canadians to try to come up with some concrete, positive suggestion. The only thing he got was a great big goose egg. They had really nothing to offer. They admitted that the complexities of their own parliamentary situation, the doubt about the views of their governing party, would really make it impossible for them to come up with any constructive alternative in any reasonable amount of time.

So it seems to me we will just waste 6 months if we accept this amendment. As the gentleman from Pennsylvania (Mr. VIGORITO) said, this is a matter of urgency. We are running out of oil.

We on the east coast do not expect to get any immediate benefit from the pipeline, but if more oil comes into the United States that means there will ultimately be more available for the east coast as well.

I believe it is time we recognized we cannot continue to depend indefinitely on Middle East oil. If we are to put our hard-earned dollars into this kind of payment overseas, we will really have a deficit in our balance of payments that will make the present one look like kids' stuff.

The important thing now is to get going. to develop American oil in the only place where it is now available, in Alaska; and 6 months is just too long to wait.

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

Mr. Chairman, I said earlier that I hoped, in the light of the vigorous debate we have had and perhaps will continue to have before we are through with the bill, that one of the casualties of our discussion would not be our relations with our sister country, our neighbor, Canada.

I attended the meeting the gentleman from New York (Mr. STRATTON), just referred to, and I must say that I reached a different conclusion from that meeting. It was held right here in H–227 of the Capitol.

My friend, the gentleman from New York (Mr. STRATTON), made the same statement at that meeting that he made this afternoon, that in the earlier meeting in April here had been no expression of interest by the Canadians. At the recent meeting he was sharply challenged by one of the Members who made it very clear that in fact there had been a very explicit interest indicated in the April meeting.

Mr. Chairman, I remember that very well because of the fact that he made the same statement then that he made just a few minutes ago on the floor of the House.

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

Mr. FRASER. After I have finished I will yield to the gentleman.

Mr. Chairman, the fact of the matter is that at that meeting what the Canadians were told—and I am talking about the one that occurred just a week or so ago—was that the matter of the pipeline location was essentially settled, that there really was no real interest or any serious consideration of a Canadian alternative. We have had an unhappy experience in our efforts to identify what the Canadian interests or views were on this matter. For example, the gentleman from Pennsylvania said that one of the things that we would have to do is to negotiate with the Canadian Government.

Mr. Chairman, the Canadian Government has consistently said that they have the laws in place; they have the authority. All they need is an application for a pipeline location. They were told by now Ambassador Irwin, who was then Under Secretary of State, that after the decision favoring the Alaskan pipeline was made by Mr. Morton, our Secretary of Interior, they should refrain from making any adverse comments on the U.S. decision.

The Canadian Government, in other words, was asked to stay out of this; they were told that this was an internal decision by the United States.

The net result of that statement and the result of failures by our own State Department to communicate speedily the sentiments of the Canadian Government has been to misrepresent the fact, made clear in the meeting just a few weeks ago, that the Canadian Government and most of the parties in the Canadian Parliament are seriously interested in the possibility of what they call a "land bridge" between Alaska and the United States. They see this as promoting and protecting their interests as well as advancing the interests of the United States.

Mr. Chairman, I hope that we will not suffer here a further erosion of the mutual confidence between our countries, which in many respects is going to be very much more important than the question of the pipeline.

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

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

Mr. UDALL. Mr. Chairman, I wish to make one point, and underline the truth of what the gentleman from Minnesota has said.

The State Department and the administration have played a double game with us. They told the Canadians nearly a year and a half ago in effect to sit down and shut up, that "we have made our decision," that it was an internal matter and had been decided. They told Mr. Trudeau and the Canadian Government, "We'd be obliged if you'll stop talking around about a Canadian line, nothing can come of it. The pipeline is going to go through Alaska."

Then they stand up and say to the Congress, and the environmentalists, "There is no use of looking at the Canadian line. They are not interested."

It is as though they complained because the Canadians had not asked us to dinner, after we had let the Canadians know that we would not come to dinner even if we were invited.

Mr. Chairman, I repeat that the State Department and the administration have played a double game with us.

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

Mr. FRASER. I will not yield now——

Mr. STRATTON. Mr. Chairman, the gentleman is going to run out of time. I have asked him to yield to me because he challenged my statement.

Mr. FRASER. Yes, on that basis I will yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I am not interested in arguing with the gentleman about my interpretation of what went on there. The gentleman from Illinois (Mr. YATES) was there, too, and the gentleman from Illinois (Mr. YATES) shares the gentleman's position on the pipeline matter and Mr. YATES came out of the meeting completely convinced that there was no hope of getting any reasonable alternative from the Canadians. He said so to the papers, and it was so reported in the New York Times just the other day.

So the gentleman does not have to take my word for it; he can take the word of the gentleman from Illinois.

Mr. FRASER. Mr. Chairman, let me say that we are going to have continuing matters of mutual interest with Canada. We may want a land route for other pipelines; that may be so.

The Canadians have said they will have less interest in granting a land route if we are going to run tankers down to Puget Sound and other places.

Let me say to the gentleman that I am interested that we recognize our mutual interests with Canada. We share a continent together, and I do not want an abrasive feeling to come out of this debate this afternoon; I do not want to add to what is already an unhappy chapter in our relations, as a result of this debate. Canada is one of the best friends any country ever had.

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

Mr. FRASER. I yield to the gentleman.

Mr. MILFORD. I would ask the gentleman if he is aware of anyone who has made an application. This is a very important thing; we cannot build a pipeline unless someone is willing to put up the money. Has there been an application?

Mr. FRASER. I think the answer is clear: at the moment the oil companies seem to be intent on building the pipeline in Alaska.

Mr. Chairman, I support the amendment offered by my colleague from Arizona (Mr. UDALL).

The amendment before us would require an objective evaluation of the Canadian alternative route, instead of the biased consideration the administration has given it.

Construction of an all-land delivery system across Canada has major advantages—advantages to our economy, to our environment, and to our national security. First of all, weighing west coast needs against those of the Midwest and the East, the needs of the latter two clearly prevail. The west coast has its own sources of oil, plus reasonably secure foreign sources. The Midwest and East do not. Economic and national security considerations therefore should mandate choice of an all-land Canadian route.

The environmental arguments are equally strong. The Canadian route would avoid the earthquake-prone southern portion of the trans-Alaskan route as well as the danger of oil spills at sea, which have given so much concern to our Canadian allies. Moreover, an oil pipeline across Canada would parallel the gas pipeline corridor that must be constructed in any case, so that by choosing one route rather than two, total damage to the environment would be kept at a minimum.

The administration has maintained that a Canadian alternative route is not feasible, and that, in fact, there is no real Canadian alternative. It has based this allegation primarily on the professed unwillingness of the Canadian Government to have an oil pipeline built across its territory.

On June 1, the chairman of the Public Lands Subcommittee (Mr. MELCHER), asked the State Department to get specific answers from the Canadian Government on its attitude toward construction of a line across Canada. The State Department chose, instead, to transmit its own assessment of the Canadian position, rather than the words of the Canadian Government.

Pressed by members of the Canadian Parliament and the U.S. Congress, as well as by environmental groups, the State Department yielded and on July 7, tardily transmitted to Congress the verbatim text of the Canadian response.

This verbatim text was defective, however, on one key point—whether or not the Canadian Government would require majority ownership of an oil pipeline across its territory. The Canadian Government had stated unequivocally that it did not require 51 percent ownership of an oil pipeline. The version transmitted to Congress on July 7 stated that it did, despite the fact that the Canadian Government had requested the State Department to forward the corrected text to Congress.

After more protests by Canadians and interested U.S. citizens—many phone calls and slow mail deliveries later—this error was corrected, but too late for the crucial Senate vote on July 13 on the Canadian alternative.

The Canadian and United States versions of events on July 6 are still unreconciled. State Department spokesmen, testifying on July 23 before the Foreign Relations Committee, declared that they had made clear to the Canadian Government that they would not transmit a corrected text until it had been received, in writing, from the Canadian Government in Ottawa. Energy Minister Macdonald, on the other hand, when questioned in the Canadian Parliament, stated:

> I think it is only fair from my standpoint to indicate the State Department had agreed to release the information on July 6 and it was only on July 9 when we found they had not released the clarification, and at their request we submitted the letter of July 10. It was our understanding they would release that information on July 6, and it was only when we found out they did not do it we sent further clarification.

What concerns me is the assumption on the part of the executive branch that it is justified in withholding information from the Congress in the interests of furthering its professed policy. This is rather like dealing with the legislative branch as though it were a foreign government. Perhaps we should not be surprised that this administration has dealt with the Congress in this fashion on this matter and has justified it all, as usual, on grounds of national interest, or national security.

I am concerned, too, over rather shabby treatment of an old and trusted ally. It is clear that the administration has been unwilling to let Congress have the information, straight, on the Canadian Government's attitude to an oil pipeline. It was too heady for us. It had to be diluted. We could not be trusted as to the conclusions we might draw. This is no way to run a democratic government. Nor is it the way to treat a valued ally and historic friend, with whom we share a community of interests and with whom we must continue to live and work in the future.

We know in the House what the Senate on July 13 did not know—that there is a Canadian alternative. I urge Members to support this amendment to assure that a trans-Canadian route, at last, gets the unbiased consideration it merits. Building an oil pipeline across Canada is a practical possibility. Mr. Chairman, it is not too late, as perhaps some hoped it would be. We can still act to see that the possibility of a Canadian alternative becomes a reality. We can still move to strengthen our historic friendship with our northern neighbor by construction of this mutually beneficial "iron artery."

The CHAIRMAN. The time of the gentleman has expired.

Mr. WAGGONNER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 1 additional minute.

Mr. STEIGER of Arizona. Mr. Chairman, I object.

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

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. I thank the gentleman for yielding.

I wanted at some time to ask the sponsor or another supporter of the amendment a few questions. Will the gentleman yield for that purpose?

Mr. McEWEN. I will be pleased to yield for that purpose.

Mr. WAGGONNER. I would like to ask Mr. UDALL, my friend from Arizona two or three questions.

Would the pipeline if built through Canada be longer in length?

Mr. UDALL. If the gentleman will yield, of course. It will be twice as long.

Mr. WAGGONNER. Would the pipeline, if built through Caanda, cost more?

Mr. UDALL. If the gentleman will yield, indeed. About twice as much, because it is twice as long. But there is also an ocean tanker route from Valdez to the U.S. Pacific coast the costs of which the proponents of the pipeline never mention.

Mr. WAGGONNER. Would the pipeline, if built through Canada, be confronted with as many environmental problems?

Mr. UDALL. It would have environmental problems, but it would not cross the worst earthquake zone in the continent nor require hundreds of tankers to go up and down the rocky coast of Alaska and Canada and the west coast of the United States with the possibility of oil spills.

Mr. WAGGONNER. Would the pipeline, if built through Canada, give us or provide us the same amount of crude for our use?

Mr. UDALL. They have not discovered any oil in northern Canada, although they have discovered gas there. The probability is it would be almost all Prudhoe Bay oil coming through the Canadian pipeline.

Mr. WAGGONNER. I thank the gentleman for his answers.

It just seems simple to me. The pipeline would be longer passing through Canada, it would cost more money to route it through Canada, we would still have the same environmental problems if it went through Canada and we would get less oil for our use if we brought it through Canada. Then too it would take far longer to complete.

What is the advantage to delaying it further and undertaking a study with consideration toward a route through Canada if it will be longer, require more time, cost more money, have the same environmental problems and provide us less oil, when more oil is what we are after? I do not know what the argument is, really. We should vote the amendment down. Time is of the essence.

Mr. McEWEN. Mr. Chairman, I rise in opposition to the amendment, but not in opposition to the Mackenzie Valley route of the Canada pipeline.

I share the view that this pipeline is needed and will be built. I share with the gentleman from Minnesota the concern that we here, in anything we do or say, not jeopardize our relations with Canada. As many of my colleagues know,

where I reside, when I look out my front windows and look straight ahead and do not look down. I see only Canada. So I am very aware of their presence. I live but an hour's drive from their parliament.

Let me say also that I share the feeling of my colleague from New York (Mr. STRATTON). The Canadians in the meeting of a week ago Tuesday, and in private conversations that we all had, did not have an immediate and assured alternative to offer.

They know that we know the Native Land Claims have not been settled. They know that we know from our own experience how long it took us and they know that we share with them the hope that the Canadian line will be built, first probably for gas and then gas and oil.

I am appreciative of the fact that earlier today the minority leader, Mr. GERALD R. FORD, referred to a parochial problem that I have. I do not intend to bore you with what might seem like a local problem, but it is one that we all might take note of.

On the 14th day of June the Honorable Donald Macdonald, Minister of Energy, Mines, and Resources in the House of Commons, announced:

I wish to inform the House that effective midnight, Friday, June 15, temporary controls will be imposed on the export of motor gasoline and home heating types of oils.

This move will insure that unusual—

I want, gentlemen, to emphasize this word—"unusual":

Unusual export demand for these products does not impair supplies to Canadian consumers.

The largest percentage of home heating oil supplied to my congressional district comes not from the United States, but through Canada. This No. 2 heating oil is refined in Venezuela, moved by ocean tankers to Montreal, off loaded from those tankers to Great Lake tankers, and moved via the St. Lawrence Seaway to the bulk terminals in my district. The order that stopped the movement of this oil, as Mr. MACDONALD said, was because of concern over a possible unusual export demand. This order has been in effect since June 15, and at this moment, despite the assurance of concern and offers of assistance of many of our good friends in the Canadian section of the interparliamentarian group and others in Canada, we still have not resolved this problem.

My area faces a critical shortage of oil if this is not resolved.

So I want to offer this one word of warning: no matter how good our friends are—and they are good friends, their deliberations and acts do not always identify our interest and recognize what the effect may be upon us.

Let me say how many years we have received our oil through Canada—because this Canadian action was aimed, according to Mr. MACDONALD, at the unusual export conditions. For at least 10 years this has been the principal source of our supply.

So I say to the Members considering this amendment, I hope that the Canadian line is built. I think it will be built. But I do not think we should impede or delay 1 day the building of the Alaskan line, because I think we need it, and I think we should realize the benefits of having it.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HALEY, and by unanimous consent Mr. MCEWEN was allowed to proceed for 2 additional minutes.)

Mr. MCEWEN. I thank the gentleman from Florida (Mr. HALEY), the chairman of the Committee on Interior and Insular Affairs, for yielding me this extra time.

So, Mr. Chairman, as I say, I rise in opposition to the amendment, but not to the building of the Canadian pipeline. But I want to see the Alaskan pipeline go ahead and see this oil moved out of Valdez.

Finally, let me say this: I hope that nothing that has been said here today by anyone, and most certainly by this Member, will upset in any way my friends in Canada. In addition to our friendship, my own district is much too dependent upon good relations with Canada to permit me to jeopardize that condition.

I would say this, also: I hope that when we consider the terminal in the United States for receiving the movement of the oil from Valdez that we will give some consideration to the request made by the Canadian parliamentarians that we look for a port other than one on Puget Sound. I think they have expressed a legitimate concern. Just as I think they realize our need for this oil, and I hope they will recognize our need for the action we take today. I hope that we may give consideration to the Canadian request to see if there is an alternative port in a location that will not present a danger to Canadian waters.

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

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

Mr. DENT. I believe I do understand that this in essence is a pipeline. As I understand the discussion made by the gentleman from New York, the oil the gentleman referred to comes from Venezuela in place of Valdez.

Let us say the Northern Slope is the desire of the Congress, and it comes through a Canadian port at that point.

Now, what is the argument against that line going across Canada to the United States? Who is going to write any kind of a guarantee to say that when we put our lifeline through a pipeline coming through Canada that at some time a future official in the Canadian Government, at a crucial time, as this is, could not say, "Well, why do we not stop the oil from going into America?" It is just that simple. This is a lifeline for this country.

Mr. MCEWEN. Mr. Chairman, I would say to the gentleman that I think, unfortunately, he is correct, and that is what could happen, even if unintentionally, as it is in the case of what has happened to the supply of oil in my district.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DELLENBACK

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

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: Page 13, line 14, following the comma, strike out "and without further action under the National Environmental Policy Act of 1969, notwithstanding the compliance requirement of subsection 28(c), and notwithstanding the provisions of any law other than said section 28 and this title II,".

Mr. DELLENBACK. Mr. Chairman, I will not take the full 5 minutes. Let me indicate, however, that this is the second of the proposed series of amendments which my colleague, the gentleman from Utah (Mr. OWENS) and I indicated we were going to offer. Let me just say a word about why I am offering this in spite of the defeat of our first proposed amendment.

There are two significant reasons. One, if, as I hope does not happen, there should be further litigation in spite of the provisions of what we have not stricken in section 202, and if the court should, under those circumstances, following the thinking of the Three Sisters case, come to a conclusion that there has not been satisfactory compliance and that we have not effectuated what we will strive to effectuate with this legislation, it seems to me this opens up a very serious question on the language that is on lines 14, 15, and 16—the question of what then happens.

Second, and of greater concern to me, quite frankly, is what is on lines 17 and 18. Take a look at it, Mr. Chairman, and see what we are proposing. We are saying—

notwithstanding the provisions of any law other than said section 28 and this title II . . .

Does that mean that there need be no compliance with the 1899 Rivers and Harbors Act? I think that becomes a question. Does that mean that there must be no compliance with the Fish and Wildlife Conservation Act? I think that is a very serious question if that language remains in the bill. I think that one could even go beyond that and raise questions of other pieces of legislation that might not need to be complied with.

It would seem to me that we would make a mistake, however we voted on the prior proposal of the gentleman from Utah and myself, if we leave this language in exactly as it stands. It is for that reason that I would urge that we proceed to adopt this amendment and strike this language.

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

Mr. STEIGER of Arizona. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I should like to point out that the striking of the language the gentleman has suggested is really of even greater significance than the first of the three Dellenback-Owens amendments,

and since I think we have already rejected the principle proposed herein, I would hope that we would recognize the significance of this. This is not simply a minor situation; this is the key in the package.

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

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

Mr. STEIGER of Arizona. I yield to the gentleman from Washington.

Mr. MEEDS. Will the gentleman agree with me that now that we have rejected the first Dellenback amendment which provided for an expeditious handling of these matters in court, to now adopt this amendment would place us in a much, much worse position, because we would go right back and nullify the work of the committee in saying that the environmental impact requirements have been met and would be forced into a court proceeding where there would not be expeditious handling?

Mr. STEIGER of Arizona. The gentleman is exactly right. The dangers inherent in the concept that Mr. DELLENBACK and Mr. OWENS recognized, and which they protected against, are attendant, because that protection would be gone if we adopt this in the absence of the previous.

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

Mr. STEIGER of Arizona. I yield to the gentleman from Utah.

Mr. OWENS. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Oregon.

This amendment which the gentleman offers and another which I suppose he will offer merely completes the concept of the package which we have proposed. I wish the Committee were willing to accept them. I doubt their willingness to do that, as gaged by the last vote. I do feel very strongly we should pass these changes.

In response to the point brought up by the gentleman from Washington, there still is a provision in the bill calling for accelerated court hearings by a three-judge court. Should we be so fortunate as to prevail in this amendment—fortunate beyond my wildest dreams—there still is a provision for acceleration in this bill, for these matters to be expedited.

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

Mr. STEIGER of Arizona. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I wish to emphasize that the language which the amendment seeks to strike out is necessary to carry out the provisions of subsection (d) which we just voted to keep in the bill. To adopt the second Dellenback amendment would defeat the earlier action in defeating the first Dellenback amendment.

Mr. Chairman, I urge defeat of the amendment.

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

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

Mr. DINGELL. I will yield to the gentleman from Oregon, but first I wish to have the attention of the chairman of the subcommittee because I have a few questions I want to ask him.

On page 13, line 17, the bill says: "Notwithstanding the provisions of any law other than said section 28 and this title II," so I have a list of statutes and I would like to ask the gentleman whether that language of this bill says these statutes would become inoperative thereupon.

Would the provisions of the Port and Waterways Safety Act be affected?

Mr. MELCHER. No.

Mr. DINGELL. The Jones Act, would it affect the provisions of the Jones Act?

Mr. Melcher. No.

Mr. DINGELL. So the Jones Act and the Port and Waterways Safety Act would continue to apply in spite of the language I have just read?

Mr. MELCHER. Correct.

Mr. DINGELL. The Fish and Wildlife Coordination Act, insofar as section 203?

Mr. MELCHER. No, I do not think so.

Mr. DINGELL. How about the Clean Air Act?

Mr. MELCHER. No.

Mr. DINGELL. The Federal Water Pollution Control Act, as amended?

Mr. MELCHER. No.

Mr. DINGELL. The Oil Pollution Act of 1961?

Mr. Chairman, we are writing legislative history. The gentleman is chairman of the subcommittee and his legislation prevails. Let us find out what the legislation says.

What about the Oil Pollution Act of 1961, would it be affected by that language or not?

Mr. MELCHER. I understand the purpose of the gentleman from Michigan in asking these questions to make legislative history and I commend him for it.

Mr. DINGELL. Do not commend me; just answer the question.

Mr. MELCHER. The answer is "No."

Mr. DINGELL. The Wilderness Act?

Mr. MELCHER. The answer is "No."

Mr. DINGELL. The National Wildlife Refuge System Act, as amended?

Mr. MELCHER. No.

Mr. DINGELL. The Fish and Wildlife Act of 1956?

Mr. MELCHER. No.

Mr. DINGELL. The Endangered Species Act?

Mr. MELCHER. No.

Mr. DINGELL. The 1899 Flood Control Act?

Mr. MELCHER. The gentleman can ask about them en bloc.

Mr. DINGELL. No, I will not. If the gentleman does not want to answer, we will let the House draw its own conclusions.

Mr. MELCHER. I will be happy to answer. The answer is consistently "No."

Mr. DINGELL. The Endangered Species Act?

Mr. MELCHER. No.

Mr. DINGELL. The Department of Transportation Act, section 12(a)?

Mr. MELCHER. No.

Mr. DINGELL. The Federal Highway Act, section 4(f)?

Mr. MELCHER. Still "No."

Mr. DINGELL. The Wild and Scenic Rivers Act?

Mr. MELCHER. No.

Mr. DINGELL. The Federal Power Act?

Mr. MELCHER. No.

Mr. DINGELL. So the language referred to would not say that any of those provisions of any law, that is the aforesaid section of this bill would not apply to those acts. Is that correct?

Mr. MELCHER. That is correct.

Mr. DINGELL. I thank the gentleman. I am not sure I agree with him but I am delighted to have that legislative history.

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

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

Mr. DELLENBACK. Mr. Chairman, I think a service has been performed by this colloquy because I think there is serious question as to whether all that would apply, but to the degree legislative intent has value we have established legislative intent.

Mr. Chairman, this proposal is not just a throw away.

I think it is important that the record be made clear as to the concerns about this language. It is for this reason that the gentleman from Utah and I have put forward this amendment in spite of the defeat of our first amendment. I think, if the provisions of section 202(d) which have been left in the bill still remain effective, it is not too important whether the language on line 14, 15, and 16 is stricken. If a court of competent jurisdiction should, however, determine that the language of section 202(d) is not effective to foreclose further questions under NEPA, then the language on lines 14, 15, and 16 should be stricken.

Insofar, however, as the language of lines 17 and 18 are concerned, there are very serious questions which arise, whatever the fate of section 202(d). These lines should by all means be deleted from the bill.

Mr. DINGELL. Mr. Chairman, I would like to yield further to my friend from Oregon, but my time is almost gone.

I simply observe, Mr. Chairman, that the gentleman from Montana, the chairman of the subcommittee and author of the legislation, has interpreted lines 17 and 18 on page 13 and has made it rather plain that it is not his intent or the intent of the committee that the effect of the statues which he and I have cited earlier in our colloquy is not in any fashion diminished by the unfortunate appearance of lines 17 and 18 on page 13.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SAYLOR

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

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Page 18, strike lines 4 after "interest" through line 14 and insert, in lieu thereof, "Provided that no exports of crude oil subject to this section shall be made unless and until Congress adopts a concurrent resolution stating its agreement with the President's finding concerning the national interest."

Mr. SAYLOR. Mr. Chairman and members of the committee, section 206 of this bill provides that the oil that is to be developed in Alaska is to come to the United States. It has a provision that the President may make certain findings when the oil could be exported and to report to Congress. As the proviso was put in the original bill, the report would have to come to Congress, and Congress did not have to act. The amendment I have offered removes the inaction of Congress and requires a positive action by Congress before the oil can be exported.

Mr. Chairman, I would hope that this amendment could be adopted.

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

Mr. SAYLOR. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I find no objection to this amendment.

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

This amendment is intended to permit exportation on a spot sales basis. When one of these pipelines is brought into operation, particularly one as big as this, there are a lot of things that have to be coordinated and brought together so that you finally get your line running smoothly. There are tankers at the end of the line, domestic refinery capacity at the unloading port and many more things to coordinate. It takes a long time.

During the initial beginning period one does not see these things fall neatly into place. There will be temporary surpluses of oil at Valdez from time to time and one might want to export some of it to earn foreign exchange on occasions of opportunity. This would occur only when the oil would not be physically available to our own domestic markets.

Therefore, I think this provision ought to be left alone. It is tough enough as it is to seize spot sales opportunities. If you have to wait for Congress to pass a concurrent resolution to allow it, you'll never sell a drop and never whip up any extra foreign exchange revenues.

I urge the defeat of the amendment.

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

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

Mr. STEIGER of Arizona. Mr. Chairman, I hope the gentleman did not yield to me under false colors. I am in support of this amendment for the simple reason that it requires Congress to take positive action rather than a passive one.

I happen to think that is a healthy thing. I think anything that can cause Congress to assert itself is valid in this day and time. I would urge that it is a clear judgment call.

What the gentleman from California said is certainly valid. It would be a slower process. I support it on the basis it is an affirmative process as opposed to the passive process in the bill.

I urge support of the amendment.

Mr. HOSMER. I just say it is better to be intelligent about this issue than xenophobic, and I urge defeat of the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING

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

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: On page 16, line 12, strike subsection (f).

Mr. SEIBERLING. Mr. Chairman, if Members really want to expedite this pipeline, this is an amendment which will help do that, in my opinion.

If we leave section 203(f) as it now stands in the bill, we are going to provide a ready-made excuse for anyone who wants to snarl this up in litigation for months on end, because, as it is written now, section 203(f) has various constitutional defects. It is a lawyers' field day.

Furthermore, it is going to hamstring the U.S. Government in enforcing the conditions laid down in this bill for compliance by the pipeline owners.

Let me read the pertinent portion of section 203(f). It requires that any actions or proceedings:

involving any right-of-way, permit, or other form of authorization granted with respect to the construction of the trans-Alaskan pipeline, to which the United States . . . is a party—

Shall be commenced within 60 days following the date such a right-of-way permit, or other form of authorization is issued.

If we read this language literally, we will have to conclude that it bars the courts from considering forfeiture proceedings brought by the Government to enforce the provisions of the right-of-way or permit, eminent domain proceedings brought by landowners, and actions which may arise more than 60 days after the granting of a permit and which are brought by private citizens against the pipeline company or contractors, where the United States is joined as a party.

To reiterate, the subsection in effect waives the right of the Federal Government to seek forfeiture of the permits and rights-of-way despite blatant or willful violations of the grants.

Another effect of this section is to deprive private property owners of their right to just compensation in a condemnation proceeding.

Along this pipeline route there are 148 miles of non-Federal lands. The owners of these properties may be precluded by this bill from being compensated in eminent domain proceedings. Normally the grant of a right-of-way does not by itself give rise to a cause of action by a landowner. Instead, the action arises only when the property is entered or taken, or when the Government and landowner are unable to agree on just compensation.

Subsection 203(f), however, has the effect of suspending the right of citizens to just compensation when their property is taken, because the subsection attempts to cut off all causes of action 60 days after the grant of a permit or right-of-way is issued, even if there had been no entry or taking by the Government or the pipeline company, or no negotiation even, up to that time. This is a clear violation of the constitutional prohibition against the taking of private property without just compensation. It also is a clear violation of the constitutional prohibition against taking private property without due process of law.

Furthermore, subsection 203(f) can be interpreted in such a way as to bar claims which arise during construction and operation phases of the pipeline.

Personal injury claims, oil spillage claims, and nuisance actions relating to the construction of the pipeline could well arise after the permits have been granted. Yet these actions would be barred if the claim were based on the alleged negligence of the United States or any officer or employee of the United States. In fact, any contractor, including the pipeline company, could escape liability by simply joining with the United States as a party.

This also would constitute a denial of an injured party's right to due process of the law as protected by the fifth amendment.

Quite apart from these unconstitutional aspects, this subsection represents a mistaken effort to bypass normal judicial channels by establishing a special three-judge court to hear cases arising under this bill. This has been done in the belief—in my view, erroneous—that it will minimize delays in future litigation.

Mr. Chairman, in my view, this section will produce just the opposite result. It is so obviously defective from a constitutional standpoint that it literally invites litigation and will probably end up causing even more delay.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for an additional 30 seconds.)

Mr. SEIBERLING. Mr. Chairman, the way out is to simply strike out the subsection. In my view, it is unconstitutional, unwise, and unnecessary.

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

Mr. Chairman, let me at the outset assure the gentleman from Ohio (Mr. SEIBERLING) that when I offered this amendment in the committee, it was not my intent to bar any cause of action, and where the language is used, that the permit is assured, that means really when the cause of action arises.

It is one of the things about which the gentleman spoke, and it does not involve the issue of permit or permission but it means at the time the cause of action arises. It is not the intent of this legislation to in any way restrict the bringing of a proper cause of action and I assure the gentleman that was not my intention.

Second, Mr. Chairman, we have heard all afternoon—and I think with a great deal of validity—that the action of this body is going to be subjected to immediate court tests. I do not think there is any question about that.

I submit that we have set up within

this procedure, within this legislation, the procedure under which that judicial inquiry should proceed, and we provide a certain and an expeditious hearing of any of the inquiries about which we have heard this afternoon.

So far from being a mischievous amendment or portion of this act, this is a very beneficial portion, and it will carry out the intent of this Congress in assuring us that we are going to proceed expeditiously with the building of this pipeline.

The purpose is to provide a certain method, to provide that that method should be before a District Court composed of three judges. And I cite, Mr. Chairman, that there is ample precedent. As a matter of fact, under 28 U.S.C., 2284, there is ample precedent for a 3-judge court, and again, particularly in matters which should be expedited such as this, where there are applications for injunctive relief on constitutional matters, injunctive relief on State constitutional matters and State questions against the U.S. Constitution.

So this amendment is very essential, as a matter of fact, to the act, because without it we do face again the interminable delay which can come about through actions which are brought merely for the purpose of causing that delay.

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

Mr. MEEDS. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I appreciate very much the gentleman from Washington explaining the intent of this section.

I am sure that is his intention, and I hope it is the intention of the full committee.

However, the section is nevertheless cloudy. There was not adequate time to bring out the intent when the language was written in the committee, in my opinion, and the difficulty I labor under is that the court is going to look first at the plain language of the statute.

Unless the language is unambiguous—and in some respects it is, but in some respects it is not—then the courts are not going to be required to look into the legislative history but will just rule on the basis of the language in the bill.

I think it is unfortunate that we allow this kind of legislation to be on the record.

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

Mr. MEEDS. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, while I believe that Congress should make the necessary revisions in the Mineral Leasing Act so as to enable the oil resources of Alaska's North Slope to be developed and transported to the fuel-hungry areas of this Nation, I cannot in good conscience vote for the legislation before us today—a bill whose effect would be to emasculate the most important piece of environmental legislation passed by Congress, the National Environmental Policy Act.

NEPA was enacted by Congress only 4 years ago with the express purpose of requiring that environmental problems be identified fully "while they are still of manageable proportions and while alternative solutions are still available." The act directed that alternative measures be fully considered within both the executive branch and the Congress so that the maximum amount of precautionary information would be available before any irrevocable decisions are made.

The language in the bill presently before us, however, would effectively remove the environmental issues of the Alaskan pipeline—one of the most wide-ranging environmental issues of the past decade—from the judicial review requirements of NEPA. By enacting this bill, Congress not only would be setting a dangerous precedent leading to further special interest exemptions from NEPA, but it would also be acting very irresponsibly in thus cutting off further deliberation of the environmental consequences of the Alaskan route. If there is at some time in the future a disastrous pipeline break or tanker accident, we would most certainly feel very remiss in having taken the actions proposed today.

The Interior Department maintains that on the Alaskan pipeline issue it has "bent over backward to comply with both the letter and spirit of NEPA." Yet today it is supporting what amounts to an exemption from NEPA's judicial review provisions. Surely, if the letter and spirit of the law have been observed, there should be no need for this very objectionable provision in the bill before us.

I have voted earlier today in support of both the Udall substitute calling for a 6-month study of the Canadian alternative and the all-important Dellenback-Dingell amendment striking the provisions in the bill asserting NEPA compliance and which bar judicial review of the Alaska pipeline. Without these amendments, the present legislation is totally unacceptable; it represents a violation of our most basic environmental protection law. More damage may be done to our environment and to our political processes through the passage of this legislation than might possibly be done if NEPA were adhered to and a 6-month study of the alternate Canadian route completed. I shall therefore vote against the bill.

Mr. DENNIS. Will the gentleman yield?

Mr. MEEDS. I yield to the gentleman.

Mr. DENNIS. I would like to say to the gentleman from Washington that I rise to a rather narrow point here. There are some larger issues in this section, but I am afraid—and I am sure the gentleman stated his intentions correctly—that I cannot help but agree with my friend from Ohio that what it says there is that this action has to be brought within 60 days of the issuing of the permit.

I do not say that is unconstitutional but it is certainly a very short statute of limitations.

If the gentleman did not intend that, then I think there either needs to be an amendment offered on the floor or it needs to be fixed in the conference, because that is what you are saying.

Mr. MEEDS. The gentleman misunderstood me. It means exactly what it says with regard to permits and authorization, but it means also that there is a 60-day period of time on these other types of things which are not mentioned specifically here.

Mr. STEPHENS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

I would like to address myself to the question of constitutionality of certain provisions of the bill as mentioned in arguments advanced by opponents of the bill as written.

Article IV of the Constitution provides that:

> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States.
>
> The power over the public land thus entrusted to Congress is without limitations. And it is not for the courts to say how that trust shall be administered. That is for Congress to determine. *United States* v. *City and County of San Francisco*, 310 U.S. 29–30, quoting *Light* v. *United States*, 220 U.S. 523, 527 (1911).

Congress can either exercise this power itself or it can confer it on some agency or officer. If Congress itself exercises the power it may leave ministerial or administrative deals in the hands of an individual official. In such a case, however, the act of Congress would be the complete act of the sovereign, the subsequent ministerial acts not involving the exercise of sovereign power. *Clackamas County* v. *McKay*, 219 F.2d 479, 493 (D.C. Cri. 1954). By directing the Secretary of the Interior to grant necessary rights-of-way and permits for the construction, operation and maintenance of the trans-Alaskan pipeline, without further action under the National Environmental Policy Act of 1969, the Congress is exercising the sovereign power given it in article IV, section 3, clause 2 of the Constitution. The exercise of this power by Congress is not bound by requirements of section 102 of NEPA, another act of Congress. That act applies to "all agencies of the Federal Government" but not to the Congress itself. If Congress wants to change the jurisdiction it gave in that act by revoking it in this act, it can do so.

Despite the clear constitutional authorities for this action by Congress, it has been suggested that the act could be interpreted as resulting in a denial of due process for somebody.

The grant provided for in section 203 (a) of this bill does not violate the due process clause of the fifth amendment, the only provision even arguably applicable.

Section 203 (d) and (f) of the bill, which precludes judicial review of the granting of rights-of-way, permits, and other forms of authorization, is a constitutional exercise of congressional power as decided time and again by the Federal courts. In many instances Congress has seen fit to proscribe or limit

judicial review.[1] In the past 40 years, no act of Congress limiting judicial review has been declared unconstitutional. Moreover, statutes limiting judicial review have been interpreted to permit the judiciary to reverse lawless agency action and are, therefore, given a "saving construction."

For example, section 10(b)(3) of the Selective Service Act of 1967 provided that—

> No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution under section 12 of this title, after the registrant has responded . . . to an order to report for induction. . . ."

An exception to this nonreviewability provision was only upheld when the order was "basically or blatantly lawless." *Breen* v. *Selective Service Board,* 396 U.S. 460 (1970); *Oestereich* v. *Selective Service Board,* 393 U.S. 233 (1968). This exception has been limited to those cases in which the registrant was entitled by the very terms of the statute to an exempt classification and the board, for reasons unrelated to the merits of the claim, denied him the sought after classification to which he was entitled. Section 10(b)(3), however, has been held to be a valid prohibition of preinduction judicial review when the board has used its judgment and has determined a classification for a registrant, based upon the merits of his case.

The Civil Service Retirement Act provides that the Commission—

> Shall determine questions of disability and dependency and its decision concerning these matters are final and conclusive and are not subject to review.

Only when there has been a substantial departure from important procedural rights, or a misconstruction by the Commission of its governing legislation, has the Court of Claims held such action to be reviewable. *Scroggins* v. *U.S.,* 397 F. 2d 295 (1968).

Section 203(d) is not unconstitutional; it is entirely proper for the Congress to withdraw certain subject matter from the jurisdiction of the lower Federal courts. The courts have recognized this and have generally given credence to provisions limiting or preventing judicial review. We grant jurisdiction; if we can grant jurisdiction, we can also limit or withdraw jurisdiction from the courts.

The legislation construed in the Three Sisters Bridge case did not expressly preclude judicial review, an omission which Chief Justice Burger has indicated could be cured by Congress. In voting to deny certiorari in that case, the Chief Justice stated:

> I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in § 23 of the Federal-Aid Highway Act of 1968, 82 Stat. 827. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, *even to the point of limiting or prohibiting judicial review* of its directives in this respect. (Italics added.)

In those cases in which Congress could not possibly have intended a withdrawal of judicial review—that is, where there is unconstitutional or otherwise blatantly lawless action on the part of an agency—the courts have interpreted such provisions accordingly. To assume that the judiciary would entertain an action, for declaratory relief or otherwise, by simply alleging the unconstitutionality of section 203(d), is to ignore both the "saving construction" placed upon provisions such as these in the past, and, more fundamentally, the requirement under article 2 of the Constitution that there exists an actual "case or controversy."

So, if anyone is worried by the argument that limitation of judicial review is unconstitutional, I can assure him that the subject matter has been so thoroughly and so frequently decided by the Federal courts that there is no doubt that the limitations in this bill are constitutional.

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

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

Mr. SEIBERLING. Mr. Chairman, I am sure the gentleman from Georgia is not saying that a person would be deprived of his property without the right to go to court in a condemnation proceeding. The gentleman is not saying that, is he?

Mr. STEPHENS. No.

Mr. SEIBERLING. There are 148 miles of the route of this pipeline that go across private property, but this section 203(f) says that no actions involving right-of-way can be brought later than 60 days after the permit is issued.

The taking of property may occur long after the 60 days are up. And reading this literally, it says that there can be no condemnation proceedings or any other action with respect to that after 60 days after the permit is issued.

Would the gentleman from Georgia comment on that?

Mr. STEPHENS. I do not believe it is the intent to deprive anybody of their rights.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes.

Mr. Chairman, I rise in support of the amendment. I think the gentleman from Ohio is absolutely right. I think the intention of the committee is very laudable here, and I understand what they are trying to do, but I am afraid that the unintentional effect of this section will more than outweigh whatever may be accomplished.

I hope that the committee will adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The question was taken; and on a division (demanded by Mr. SEIBERLING) there were—ayes 20, noes 43.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RUPPE

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

The Clerk read as follows:

> Amendment offered by Mr. RUPPE: Page 21, line 13, strike out the words "Secretary of the Interior" and insert in lieu thereof "Comptroller General of the United States".
>
> Page 21, line 20, strike out the word "Secretary" and insert in lieu thereof "Comptroller General".
>
> Page 21, line 21, strike out the word "Secretary" and insert in lieu thereof "Comptroller General".

Mr. RUPPE. Mr. Chairman, section 209 of this bill requires that in the next 2 years a study be undertaken to investigate the feasibility of one or more additional gas or oil lines to be brought from Alaska down through Canada by pipeline to the United States. My amendment would mandate and require that the study that is going to be conducted in the future—and which does not affect the basic legislation, that is before us, but is a feasability study that will be conducted in the next 2 years—be undertaken by the General Accounting Office rather than by the Secretary of the Interior. I think it is very important that this change in the legislation be initiated for two particular purposes.

First of all, there is no question but that we are going to build additional pipelines in the United States from Canada in the future. My colleague, the gentleman from Arizona, suggested before that not only would we have a gas pipeline in the future, but we would undoubtedly have one or more additional oil lines running from Alaska as well, so I think it is very important that we take a very careful look to determine the feasibility of developing those additional pipelines for gas or oil to the United States through Canada. I think the GAO, as an arm of Congress, would be in the very best position to give this Congress a very objective study as to the feasibility of the various alternative routes through Canada. It would not in any way mandate a Canadian route; it would simply call for the study of the various alternatives be conducted by GAO rather than by the Secretary of the Interior.

I regret to say, in addition, I do not

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[1] The following statutes proscribe or limit, in some manner, judicial review:

29 USCA 104, Norris LaGuardia Act.

5 USCA 8347, Civil Service Disability.

38 USCA 211, Veteran's Ins.—Claims.

8 USCA 1226, Immigration & Nationality Act.

31 USCA 725, Unclaimed Postal Savings System.

5 USCA 3383, Air Traffic Controllers.

50 USCA App. 34, Trading and Enemy Act.

7 USCA 809, Soil Bank Act.

22 USCA 1623, Int'l. Claims Settlement Act.

50 USCA App. 1894, Housing and Rent Acts.

45 USCA 153, Railway Labor Act.

43 USCA 1601 et seq., Alaska Native Claims Settlement Act.

think the Secretary of the Interior's record in this particular area has been very good. We certainly have found a lot of acrimony, a lot of controversy today, regarding the quality of the impact statement developed by the Secretary of the Interior. We all wonder whether any negotiations undertaken with Canada were really seriously conducted. So we need someone else to undertake the study in the future, and I think the GAO is eminently equipped and eminently capable of doing the job.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Michigan has an excellent amendment, and I urge support of the amendment.

Mr. RUPPE. I appreciate my colleague's comments.

May I say I have directly contacted GAO. They advise they can undertake the study. They would farm out the appropriate part to the National Academy of Sciences. This organization, is fully capable of sharing the job with the GAO. The National Academy of Sciences and the GAO will come up with a study that will take into effect the economic, the environmental, and the national security consequences of bringing one of more oil and gas lines down from Alaska through Canada.

I should like to say, Mr. Chairman, that this amendment in no way delays the Alaskan pipeline and the flow of oil from Prudhoe Bay. It is simply looking down the road to the future. Quite frankly I think a great many of us have suffered a shortage of oil, as we have suffered in my district, and a number of States are in a position similar to Michigan when they have had to face emergency conditions. We are not mandating or suggesting that my area be taken care of or even that the next pipeline should come in through the Midwest. We are simply calling for a study of the feasibility of building a pipeline from the North Slope to connect with a pipeline through Canada.

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

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

Mr. STEIGER of Arizona. Mr. Chairman, I am going to announce my support for the gentleman's amendment. It is as much because of the degree of affection I have for the gentleman and the fact that he crushed my arm and insisted I do this, but I am going to do it. I do not share the gentleman's concern over the Executive and the Interior Department. I think the Department of the Interior is as capable of as gross an error as any other department but I do not think the General Accounting Office is free of any possibility of error. I understand the gentleman's motivation and I will support his amendment, albeit rather weakly, but I think the point has to be made that the Department of the Interior is capable of good work as well as any others.

Mr. RUPPE. The Department of Interior has done a great deal of good work. I simply disagree on the quality of its pipeline study. To that end I call for a fair and open study by the General Accounting Office of the economic, environmental, and national security aspects of future pipeline alternatives.

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

Mr. Chairman, I have a very high regard for our colleague, the gentleman from Michigan (Mr. RUPPE), the author of this amendment and I have a very high regard for the General Accounting Office, but the facts are that the General Accounting Office is not in the business of conducting an investigation of the feasibility of pipeline construction in Canada. Indeed, when we tried to find out what the Canadian position is on a pipeline through Canada and we sought to discuss that directly with Canada, we are very directly and properly told that when we operate between governments it must be through proper agencies and proper channels.

The bill says that the Secretary of the Interior is directed to make a feasibility study. He is an appropriate part of our Government to discuss this possibility with a counterpart appropriate official of of Canada.

It should also be noted that any possible Canadian line does entail a portion of the Alaska line from Prudhoe Bay to the Mackenzie Delta in Canada and it does seem odd that the Department of the Interior should do the feasibility study and environmental impact statement on that portion in Alaska and then we strike from the bill that direction to negotiate the rest of the feasibility study for that portion which lies in Canada with the appropriate Canadian officials.

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

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

Mr. RUPPE. Mr. Chairman, I thank the gentleman for yielding.

I want to say my amendment is no reflection on the gentleman's work which has been monumentally able, as well as monumentally successful. However, there have been some valid questions raised about quality of the environmental impact statement developed by the Secretary of the Interior. Unquestionably one of the reasons we have legislation before us today is due to the attacks in the courts on completeness of the environmental impact statement. We are here today because we are not really sure of the validity of that environmental impact statement when scrutinized by the courts.

I must say without undue respect to the Secretary of the Interior that I think we ought to try another avenue with the next study which is mandated under the legislation.

The National Academy of Sciences could make a very thoughtful impartial determination of the scientific, economic, and national security aspects of such a pipeline. I feel we would have a somewhat fairer study and hopefully a study which would lead to a noncontroversial decision as to where the next pipeline would be situated. I think the General Accounting Office is an arm of Congress and would do a very good job in reporting, shaping, and a feasibility study to this House.

Mr. MELCHER. Mr. Chairman, despite the very eloquent arguments of the gentleman from Michigan, I do not find favor in this amendment, and I hope it is defeated.

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

Mr. Chairman, I rise in reluctant opposition to this proposal. We cannot in one breath, it seems to me, say that the impact studies which have been made by the Department of the Interior are good, and that the 25 volumes of hearings we had brought before our committee were well prepared by the Department of the Interior and that they cover the problem adequately as it affects this body, as was decided earlier today, and then with the next breath turn around and consistently take the authority to make this feasibility study away from the Secretary and give it to the Comptroller General.

The expertise lies with the Department of the Interior. The knowledge lies with the Department of the Interior. The Comptroller General would have to start from scratch, and certainly could not do nearly as effective a job as could the Secretary of the Interior.

Therefore, I reluctantly oppose my very good friend from Michigan and urge defeat of this particular amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. RUPPE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SEIBERLING

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

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 22, following line 21, insert a new section, as follows:

"SEC. 211 (a) Notwithstanding any other provision of law, including the other provisions of this title, it shall be unlawful for any oil pipeline company, or affiliate thereof, to transport any crude oil or any product manufactured or refined from crude oil through the trans-Alaskan pipeline if such crude oil or product is produced, manufactured, or refined by such pipeline company or affiliate thereof.

"(b) For purposes of this section, the term 'oil pipeline company' means any person, association, corporation, or other entity owning, constructing, maintaining, or operating a pipeline or related facility under any right-of-way, permit, or other Federal authorization granted or issued under this title, or under any provision of law amended by this Act.

"(c) For purposes of this section, the term 'affiliate' includes—

"(1) any person, association, corporation or other entity owned or controlled by a pipeline company;

"(2) any person, association, corporation, or other entity which own a substantial interest in or controls (directly or indirectly) a pipeline company by (A) stock interest, (B) representation on a board of directors or similar body, (C) contract or other agreement with other stockholders, or otherwise; or

"(3) any person, association, corporation, or other entity which is under common ownership or control with a pipeline company."

Mr. SEIBERLING (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, that it be printed in the RECORD.

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

There was no objection.

Mr. SEIBERLING. Mr. Chairman, this is an amendment which gives every single Member here an opportunity to demonstrate that his motivation in voting for this bill and against some of the previous amendments which were offered is to serve the interests of the people, and particularly the consumers of the United States, and not the profits of the small group of oil companies that at the present time control the Alyeska Pipeline Co. Therefore, I think it should be taken seriously for that reason, but also because, if the Members really want to make the maximum development of this resource, which is a resource that belongs to all the country and not just to the oil companies, if the Members really want to help solve the energy crisis we are going to be facing in this decade and next, then what they should also want to do is to promote competition in the development of Alaskan oil resources. That is the sole aim of this amendment.

It does not delay; it does not frustrate this bill, but it will expedite the development of the Alaskan oil resources.

Let me explain what it does. This amendment would have the effect of prohibiting the Alyeska Pipeline Co. from transporting any oil owned by it or by any company which owns an interest in that company, and in effect it would require the oil companies which now own the oil rights on the North Slope to divest themselves of this company—spin it off and make it an independent corporation.

By allowing control of the trans-Alaskan pipeline monopoly—for that is what it is—to remain in the hands of a consortium of oil companies which already own oil rights in Alaska, the bill practically guarantees that no other oil companies will make any serious efforts to explore for additional oil reserves on the North Slope of Alaska.

The Alyeska Pipeline Co. is wholly owned by seven oil companies. Major ownership is in the control of three companies—Exxon, Arco, and BP. These companies are free, within broad limits, to deny competitors access to the pipeline system or to permit access only on payment of exorbitant costs.

No oil company is going to undertake even the expense of oil exploration, let alone field development, on the North Slope of Alaska unless it has an assured way of getting the oil out to market. The situation a competitor of the pipeline owners will face when it contemplates shipping over the Alaskan pipeline is aptly described in a report recently prepared by the staff of the Federal Trade Commission on its investigation of the petroleum industry.

The fact that the bill designates Alyeska Pipeline Co. as a common carrier does not solve the problem. The FTC report states:

Since pipelines transporting crude oil across state lines are common carriers . . . it might seem strange to classify pipeline control as a barrier to entry to new refinery capacity. However, there are two reasons . . . that pipeline control does, in fact, constitute a . . . barrier. First, the owners of pipelines seek approval from the ICC of rates that . . . may be well above the competitive cost of transporting crude oil. For the vertically integrated owners the excessive rate is no burden. Those firms simply transfer funds from the Refinery Department to the Pipeline Department; a bookkeeping transaction of no moment is made. Non-integrated independent refiners, though, must pay the excessive pipeline charge. For these firms a real cost is incurred. To the extent that major-firm owners of pipelines earn greater than competitive returns on investments, the independent refiners are put at a cost disadvantage relative to their major competitors, and a barrier to entry is imposed.

I quote further:

Second, pipelines can be employed as a barrier to entry if the owners can exclude or limit flows of crude oil to independents. In fact, this can be done by (1) requiring shipments of minimum size, (2) granting independents irregular shipping dates, (3) limiting available storage at the pipeline terminal, (4) imposing unreasonable product standards upon independent customers of pipelines, and (5) employing other harassing or delaying tactics.

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

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 3 additional minutes.)

Mr. SEIBERLING. In case anyone believes this situation would be different, let me say that after an investigation in 1972 by the Select Committee on Small Business, the committee found that the Colonial Pipeline Co., owned by five of the same companies that own the Alyeska Pipeline Co., had discriminated against two outside shippers, burdening them with excess transportation requirements which raised the cost of their shipments considerably.

To meet this problem and to insure competition in the development of Alaskan oil resources, my amendment would apply the same principle to the Alaska pipeline system that has been applied by law to the railroads. Without this amendment, the bill will be a grant to three major oil companies of a pipeline monopoly through which all Alaskan oil must flow. The implications, as they affect competition in the development of Alaskan oil reserves and pricing of petroleum products to American consumers, are very serious.

I hope the House will face up to these questions and will vote for competition, to insure that the Alaskan oil resources will be developed in such a way as to maximize benefits to the country and not just the profits of a few favored oil companies.

Mr. STEIGER of Arizona. Mr. Chairman, I rise in vigorous, almost hysterical opposition to the gentleman's amendment.

I do not blame the gentleman for not having the amendment read. I would be ashamed of it myself.

I would simply tell the Members what this amendment does, and what the gentleman has explained in the past 5 or 8 minutes, is to alter the structure of the oil business in this country.

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

Mr. STEIGER of Arizona. I will leave some time for the gentleman; as little as possible, but some time.

I am not even sure but what the gentleman proposes may not be extremely valid, but I would also tell the Members it is like performing total surgery, in which one makes a multiple entity out of somebody without examining the patient.

We are doing the most radical kind of surgery on the economy of the oil business, justified or no. We are intruding into the jurisdiction of no less than six other agencies, I am sure, and nine other committees.

I would simply advise the House, as meritorious as this may be, this is neither the place nor the time to perform this kind of surgery.

I yield to the gentleman from Ohio.

Mr. SEIBERLING. First let me say that I have no objection to the reading of the amendment, if the gentleman would like to hear it.

Mr. STEIGER of Arizona. No; as a matter of fact, I am delighted the amendment has not been read.

Mr. SEIBERLING. Let me simply say that this has no effect on the oil industry outside of Alaska. As it is drawn it is limited entirely to Alaska.

Second, let me say that I happen to be a member of the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary. I conferred with the chairman of the Committee on the Judiciary, who is also chairman of that subcommittee, concerning this amendment. He told me that he supported it and he had no concern about its touching matters within the jurisdiction of his committee.

This is routine surgery. This is something that goes on every day in the antitrust field. Anybody would be happy to invest money in this monopoly, whether it is owned by the oil companies or anybody else. There will be no trouble getting the money to finance an independent pipeline company, there will be no trouble finding stockholders who want to have an interest in it.

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

Mr. STEIGER of Arizona. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, I thank the gentleman for yielding.

I will ask the floor manager this question: Does not this amendment amount to complete divestiture by Congress of the question, through the antitrust laws of this Nation?

Mr. SEIBERLING. Mr. Chairman, may I answer? Will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio to respond to the gentleman's question.

Mr. SEIBERLING. Mr. Chairman, the answer to the question is yes, that is exactly what it does.

Mr. KETCHUM. Mr. Chairman, I thank the gentleman for responding, and I appreciate his answer.

Mr. RONCALIO of Wyoming. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I respect the author of the amendment, I respect his experience in the antitrust field, and I respect his contribution toward drafting a decent, good bill, one which we can live with and one which our kids can live with.

The question of who owns Alyeska down the road and the question of an equal opportunity to participate in the free enterprise system for the development of the North Slope is another problem. That is a problem that may be solved when that day comes.

Mr. Chairman, I will support the amendment.

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

Mr. RONCALIO of Wyoming. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment, and commend the gentleman from Ohio (Mr. SEIBERLING) for offering the amendment.

Mr. BINGHAM. Mr. Chairman, I wish to express my strong support of this amendment offered by my distinguished colleagues on the House Interior Committee.

If the Alaska pipeline is built, it is in the best interests of the American public that the corporation which owns the pipeline and transports the oil be fully separated from the corporations which drill and market the oil.

This antitrust amendment, which would prohibit the Alyeska Pipeline Service Co. from transporting any oil produced or refined by it or any affiliated company, would require the oil companies which presently control Alyeska to divest themselves of their ownership interests in it. Presently, Alyeska is owned by the same consortium of oil companies which owns rights to drill for oil in the Prudhoe Bay-North Slope region of Alaska. If those few companies are permitted to retain ownership and control over the pipeline leading from Prudhoe Bay down to Valdez, exploration for oil by other competing oil companies will be discouraged because the consortium-dominated pipeline company might set prohibitive transportation rates or harass competitors by imposing limitations on access to pipeline flow, restricting storage at the terminal point, or employing other tactics in restraint of free trade.

Having thus forced effective competition out of the Alaskan oil business, the pipeline monopolists would be in a commanding position to set higher prices for crude oil than could prevail in a competitive situation. The American consumer would be the ultimate victim of this cartel system, paying the higher price for Alaskan oil which anti-competitive tactics produce.

Opponents of this amendment say that the pipeline's designation as a common carrier would prevent Alyeska from discriminating against competing oil drilling operations. However, designation as an ICC common carrier will not preclude the establishment of rates which eliminate competition or the exercise of restrictions and practices which make it very difficult for competitors to transport oil.

Mr. Chairman, the Federal Trade Commission perceives the existing vertical integration of this country's oil companies to be such a massive anticompetitive and monopolistic situation that a complete separation of the drilling, transporting, refining, and marketing aspects of the oil industry may be required to prevent the consumer from being gouged any further. Similar proposals are under serious consideration in the Senate. Given these circumstances, the House should seize this timely and appropriate initiative to prevent as much as possible the extension of cartels, monopolies, and anticompetitive practices to the exploration, drilling, and transportation of Alaska's massive oil resources.

I urge my colleagues to give this amendment the approval which it deserves.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SEIBERLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CRONIN

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

The Clerk read as follows:

Amendment offered by Mr. CRONIN: On page 17 at the end of section 203 add a subsection (g) to read as follows:

"(g) Notwithstanding the provisions (e) of this section the Secretary of Labor shall be prohibited from issuing any short-term labor clearances to foreign nationals for construction, operation and maintenance of the Trans-Alaskan pipeline when unemployment in the United States is 4.5 percent or above unless unemployed persons capable of performing such labor cannot be found in this country."

Mr. CRONIN. Mr. Chairman, as a member of the Committee on the Interior, I have listened to the arguments pro and con concerning the pipeline and have supported the pipeline in committee. I intend to support it and continue to support it here on the floor.

In committee I offered this amendment, and it failed by a very narrow margin, and, therefore, I felt compelled to offer it again today due to its increasing significance.

Mr. Chairman, the Alaskan pipeline will mean 2 million barrels of oil a day in this country, but it also can mean as many as 25,000 jobs in Alaska. The initial construction of the pipeline will generate 10,000 jobs, and that will increase to as many as 25,000 jobs at the peak of activity on the line. Even after the completion of pipeline construction, as many as 3,000 persons will be needed to operate and maintain the facility.

The spin-offs to the pipeline are tremendous, as just one example, 35 tankers will be needed to transport oil. Twenty-seven of these tankers have not yet been built. The construction of these ships will create 73,500 man-years of labor in the shipyards and the supporting industries. Moreover, maintenance of the fleet will generate 770 permanent jobs in the yards, and require 3,000 crew members. The pipeline will provide the greatest single boost to maritime employment in the Nation's peacetime history.

If American labor builds this pipeline it could make a substantial reduction in the national unemployment rate. Unemployment in Alaska was 11.6 percent in the first quarter of this year—the highest unemployment of any State in the country. Canada's proximity, which guarantees the availability of a low-priced work force, could undermine the opportunity to decrease Alaskan unemployment and remedy the economy. My amendment would insure that Americans will be hired for these jobs first. The trigger for the amendment is a 4.5 percent unemployment rate nationally, with a safeguard provision allowing nonimmigrants to be hired if qualified unemployed Americans cannot be found. This language is not an absolute prohibition for importing labor. Foreign labor can be used if American labor is unavailable or unqualified. But in this case America comes first.

My colleague, Mr. DENT, as ranking member of the House Education and Labor Committee has worked closely with me on this amendment. I would like to particularly thank him for his assistance, and especially for his advice pertaining to the particular questions of labor policy indigenous to this amendment. His help was essential to obtain a bipartisan support for America's labor forces.

He joins me in urging you to assure the country that these jobs will be filled by Americans, and that the income from the pipeline is absorbed by the U.S. economy. Two days ago we approved a buy-American amendment on the military procurement authorization. Today I ask, with Mr. DENT, that we adopt a Hire America Act. I urge the support of my colleagues on this amendment.

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

Mr. CRONIN. I will yield to the gentleman from Montana (Mr. MELCHER), the chairman of the committee.

Mr. MELCHER. Mr. Chairman, I have examined the amendment offered by the gentleman, and I find that it meets with my approval.

Mr. CRONIN. Mr. Chairman, will the committee agree to accept my amendment?

Mr. MELCHER. The committee will accept the amendment.

Mr. STEIGER of Arizona. Mr. Chairman, I would like to rise in support of the gentleman's amendment.

I advise my colleagues that I came to this floor with the conviction that it was an amendment that would be impossible to apply and difficult to enforce. The gentleman with his eloquence, reason, and logic has convinced me that that is not so, and I now support the amendment.

Mr. ECKHARDT. Will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman.

Mr. ECKHARDT. Would not the amendment be far better if it said "available," rather than "found in this country"? We might have to look for jobs in Maine, rather than Alaska.

Mr. CONTE. Will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman.

Mr. CONTE. I want to take this opportunity to compliment the gentleman from Massachusetts for a very fine and constructive amendment and for an excellent presentation which he made here today and join in his remarks.

Mr. STEIGER of Arizona. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. I would like to commend the gentleman in the well for an excellent amendment. It is particularly meaningful to those of us in Pennsylvania where we make some steel. I would remind the gentleman that most of this steel for the trans-Alaska pipeline came from abroad and Japan.

Mr. STEIGER of Arizona. I would not have yielded to the gentleman if I knew he was going to raise that question.

Mr. HEINZ. In the context of the gentleman's amendment, I think we do a great service to improve our balance of payments and the job opportunities for Americans. I am glad the gentleman offered his amendment. I urge its adoption by the House.

Mr. STEIGER of Arizona. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I will state that I have certain reservations about the amendment. May I ask the gentleman a question, if he has a copy of it in front of him?

If I read the first line correctly, in the first paragraph it says "(g) Notwithstanding the provisions (e) of this section". Do I understand that is the way the gentleman means it, or is there a typographical error involved? Do you mean something like "the provisions of subparagraph (e) of this section"?

Mr. CRONIN. The gentleman is correct.

Mr. Chairman, I ask unanimous consent that my amendment may be modified accordingly.

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

There was no objection.

The CHAIRMAN. The Clerk will read the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. CRONIN: On page 17 at the end of section 203 add a subsection (g) to read as follows:

"(g) Notwithstanding the provisions of subparagraph (e) of this section the Secretary of Labor shall be prohibited from issuing any short-term labor clearances to foreign nationals for construction, operation and maintenance of the Trans-Alaskan pipeline when unemployment in the United States is 4.5 percent or above unless unemployed persons capable of performing such labor cannot be found in this country."

The CHAIRMAN. The question is on the amendment, as modified.

The amendment, as modified, was agreed to.

AMENDMENTS OFFERED BY MR. MACDONALD

Mr. MACDONALD. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. MACDONALD: Page 12, after line 20, insert the following:

(b) The equitable allocation of crude oil and petroleum products among regions of the country and the several States is vital to the health of the national economy and to the national security.

Redesignate the succeeding paragraphs accordingly.

Page 13, line 2, after "later" insert "to assure equitable allocation of crude oil and petroleum products among the regions of the country and the several States".

Page 18, after line 14, insert the following:

SEC. 207. (a) Within six months after the date of enactment of this Act, the President is authorized and directed to develop a National Petroleum Contingency Plan (hereinafter referred to as the "Plan"). The purpose of the Plan shall be to assure the equitable allocation of available crude oil and petroleum products among the several States and the five Petroleum Administration for Defense Districts (hereinafter referred to as the "district") at nondiscriminatory prices during periods of disproportionately intense shortages, as determined under section 208.

(b) The Plan shall be designed to deal with the full range of crude oil and petroleum products shortages, including, but not limited to, shortages caused by—

(1) insufficiency or loss of or reduction in supply of crude oil or petroleum products from foreign sources;

(2) imbalances of district or State demand for and supply of crude oil and petroleum products, or price differences for crude oil or petroleum products, related to the decision to authorize the construction of the Trans-Alaskan Pipeline;

(3) malfunctions or disruptions in the processing and distribution system of crude oil or petroleum products; or

(4) unreasonable price differences for crude oil or petroleum products between various States or the five districts.

(c) In developing the Plan, the President shall consider all current and prospective sources of crude oil and petroleum products and the transportation facilities necessary to deliver crude oil or petroleum products, including, but not limited to, production from Alaska, the Outer Continental Shelf, and the contiguous States; synthetic fuels; opportunities for fuel substitute and conservation; crude oil and petroleum products available from private or Government owned storage; and the importation of crude oil or petroleum products from foreign sources. The Plan shall include an estimate of the amount of crude oil and petroleum products that could be produced from these sources, and the length of time during which such amounts could be made available to satisfy consumption of crude oil and petroleum products in any State or district.

(d) In developing the Plan, the President shall consider the availability to him of such authority as may exist under other law to permit, among other strategies, the regulation of imports and exports of crude oil and petroleum products; direct mandatory allocations of available crude oil and petroleum supplies; adding additional capacity to existing oil pipelines; requiring that the flow of oil pipelines be reversed; directing tankers on the high seas to specific ports of entry; making available for public consumption those fuel supplies held by Federal agencies; imposing appropriate conservation measures to limit demand on crude oil and petroleum products; and such other actions as may be appropriate to achieve the purposes of the Plan.

(e) The President shall revise the Plan every six months in light of changing circumstances, taking into account new technological developments in the production and transportation of crude oil and petroleum products. The President shall submit to Congress each revised Plan accompanied by a report of crude oil and petroleum product consumption for each State and district for the preceding six months, a projection of demand for crude oil and petroleum products for the next six months in each State and district; a statement of the volumes of stocks of crude oil and petroleum products in working inventories and in reserve storage; a statement of the adequacy of refining capacity and transportation systems; a status report on the development of synthetic petroleum plants; the schedule of current and projected leasing on the public lands and Outer Continental Shelf of crude oil reserves; projected plans and activities in the area of energy research and development; plans for establishing strategic reserves of crude oil; a summary of negotiations and agreement with other nations on the security and expansion of petroleum supplies from foreign sources; a summary of the actions taken by the President relating to crude oil and petroleum products supply; and recommendations for further legislation required to carry out the purposes of the Plan.

SEC. 208. (a) The President shall establish, by the end of the 90-day period beginning on the date of enactment of this Act, and maintain as part of the Plan, quantitative indexes defining the disproportionately intense shortage of crude oil or petroleum products for each State and for each of the five districts. Such indexes shall be computed on the basis of, but not be limited to, the relationship between district and State demand for and quantities of the following elements available to each State and district during a normal historic base period, with an acceptable range of deviation from the base period quantity for each such element in each State and district:

(1) The amount of crude oil and petroleum products stockpiled in each State and district.

(2) The amount of crude oil and petroleum products available to each State and district from domestic sources, other than stockpiled crude oil and petroleum products.

(3) The amount of crude oil and petroleum products available to each State and district from foreign sources.

(4) An estimate of the amount of crude oil and petroleum products (at the current rates of consumption) needed in each State and district for the next six months.

(5) An estimate of the expected increase in the rate of consumption of crude oil and petroleum products in each State and district during the next six months.

(b) At any time when the change is one or more of the elements in the quantitative indexes established under subsection (a) exceeds the established acceptable range of deviation, the President is directed to exercise such authority as he may have under other law to implement the Plan (in whole or in part) as developed under section 207 to insure an equitable allocation of available crude oil and petroleum products among all districts and the several States, except if the President determines that such deviation does not warrant implementation of any part of the Plan, he shall immediately notify Congress of such determination. If, during the thirty days following such notification (excluding Saturdays, Sundays, holidays, and days on which either House is not in session) either House adopts a resolution disapproving such determination, the President shall take the appropriate action under existing law to implement the Plan (in whole or in part).

Sec. 209. (a) The President is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of sections 207 and 208.

(b) The President may delegate all or any portion of the authority granted under sections 207 and 208 to the head of any Federal agency he deems appropriate.

Renumber the succeeding sections accordingly.

Mr. MACDONALD (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and be considered en bloc.

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

There was no objection.

Mr. MEEDS. Mr. Chairman, I reserve a point of order against the amendments.

Mr. MACDONALD. Mr. Chairman, the reason why I asked to have the amendments not read is it is seven pages in length, and the language seems more complicated than both the purpose and the effect of the amendments.

One of the key issues in the Alaska pipeline bill (H.R. 9130) is the question of assurance that all the regions of the country will benefit from a national security point of view from the building of the line and from the exploitation of this vast new source of oil. In the past, our energy policies have not always served all the regions of the country equally and we must not allow such unfairness to develop again here. For that reason, I am introducing amendments to the Alaska pipeline bill to guarantee the equitable allocation of oil and oil products among regions in case of an oil cutoff emergency, or similar disturbance.

Many of us—including those who support the Alaska pipeline bill as well as those who support the Canadian alternative—are legitimately concerned that bringing all of the North Slope oil to the west coast will make the Midwest and east coast disproportionately dependent on oil from the unstable Middle East. For example, the Department of Interior's analysis of the security aspects of the trans-Alaska pipeline showed that in 1980 with the Alaska line, the west coast would have a zero dependence on Eastern Hemisphere oil, while the Midwest and east coast would have a 36-percent dependency. Clearly then, if it is in the national interest and in the interest of national security to bring Alaskan oil to the lower 48 States as quickly as possible, it is also necessary to have assurances that in case of an oil emergency action will be taken immediately and without question to share energy supplies which remain available among all the regions of the country on an equitable basis.

On the Senate side, Senator PASTORE's amendment to S. 1081, which was incorporated as title IV of the bill, is designed to achieve the objective of equitable allocation between regions in case of an emergency. My amendment is similar to that Senate provision. In addition, I am offering amendments to make it clear in the findings of the House bill that equitable allocation of crude oil and petroleum products between regions is one of the objectives of national policy in supporting an Alaska line.

The amendment offered authorizes and directs the President to assure the equitable availability of petroleum products in different regions of the country by developing a national petroleum contingency plan and to implement that plan with the consent of Congress—if a "disproportionately intense" shortage hits any region or State. In the first 90 days after passage of the bill, the President is charged with developing indexes which will define when a shortage in any region is "disproportionately intense." When these indexes are developed, the President will have explicit guidelines as to when action must be taken.

The amendment also requires that the President update the contingency plan and the indexes every 6 months and transmit them together with a report on the petroleum situation to the Congress.

If the House decides to support the Alaska pipeline because of the argument that it can get Alaska oil to the United States as a whole more rapidly and better protect our national security, New England, the Midwest, and southern Representatives—everyone east of the Rockies—should be given ironclad assurance that an emergency will not result in a disproportionate danger for any region in terms of possible fuel shortage. All regions must be assured that any emergency will be met by a fair and equitable distribution of the country's supplies.

This is what this amendment seeks to do.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. MACDONALD was allowed to proceed for 1 additional minute.)

Mr. MACDONALD. All regions must be assured that any emergency will be met by fair and equitable distribution of the country's supplies. That is what the amendment seeks to do, and I hope that this Congress in its wisdom will adopt the amendment.

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

Mr. MACDONALD. I yield to the gentleman from Maine.

Mr. COHEN. I thank the gentleman for yielding.

I simply want to join the gentleman in the well in support of this amendment. I think it marks a step the administration has failed to take in giving us an assurance as to that. It is a fair and equitable approach. I want to associate myself with the remarks of the gentleman from Massachusetts.

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

Mr. MACDONALD. I yield to the gentleman from Massachusetts.

Mr. CONTE. I also want to join the gentleman in the well in his remarks. I strongly support his amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. I thank the gentleman for yielding.

Is this the mandatory allocation legislation which was under consideration in the Committee on Interstate and Foreign Commerce?

Mr. MACDONALD. No. I am glad the gentleman raised that point. That mandatory allocation bill of which the gentleman speaks does not go directly to regions. That bill goes to dealers and independent suppliers, the independent fuel distributors.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. BROWN of Ohio, and by unanimous consent, Mr. MACDONALD was allowed to proceed for 2 additional minutes.)

Mr. MACDONALD. That bill which was cosponsored on the Senate side by Senator JACKSON is currently before the Committee on Rules, it having been attached to the hobby bill, and it is over here now. The chairman of the full committee is trying to get a rule on it, and it will be back on the floor perhaps soon.

Mr. BROWN of Ohio. Is it a separate piece of legislation?

Mr. MACDONALD. It is a separate piece of legislation.

Mr. BROWN of Ohio. Would the gentleman also advise me whether or not the provisions of this legislation mean that it would be applicable immediately after passage of the legislation, or will it not be applicable until after the Alaskan pipeline is built and supplying oil to the west coast?

Mr. MACDONALD. Is the gentleman talking about my amendment we are discussing now?

Mr. BROWN of Ohio. I am talking about the amendment we are discussing now.

Mr. MACDONALD. This applies to the Alaskan pipeline.

Mr. BROWN of Ohio. But when will it be operative? When the legislation becomes law?

Mr. MACDONALD. No.

Mr. BROWN of Ohio. Or after the Alaskan pipeline is completed and supplying oil to the west coast?

Mr. MACDONALD. It will be operative when the President receives this and signs it into law, if he signs it into law, and he then appoints his committee. They will come up with a contingent plan. He will look at the plan, and if he agrees, he sends the definitions to us.

Mr. BROWN of Ohio. So that this amendment does not necessarily relate to the Alaskan pipeline?

Mr. MACDONALD. It does relate to the Alaskan pipeline, but it is not confined to the Alaskan pipeline.

Mr. BROWN of Ohio. The Alaskan pipeline is not to be completed for some time, no matter how quickly we complete the legislation tonight.

Mr. MACDONALD. This will go into effect earlier.

Mr. BROWN of Ohio. Immediately?

Mr. MACDONALD. Yes.

The CHAIRMAN. Does the gentleman from Washington insist upon his point of order?

Mr. MEEDS. Mr. Chairman, I withdraw my point of order.

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

Mr. Chairman, as has been pointed out earlier by the chairman of the subcommittee, the subcommittee has given to this piece of legislation some 13 days of hearings and some 2 days of markup, after which time the full committee spent some 3 days marking up this bill. The bill has devoted itself to two issues, the Mineral Leasing Act, and the Alaskan pipeline. Under the circumstances which now obtain, at 20 minutes to 8 in the evening, when we have just had handed to us seven pages of a proposed amendment to this bill which seems to me to bring up a brand new subject and one which, I am sorry to say, the gentleman from Michigan withdrew his point of order on, because it would seem to me that the point of order might very well have held—it seems to me this is the wrong time to move in this way on this proposed piece of legislation.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I thank the gentleman for yielding.

The reason that the gentleman from Massachusetts (Mr. MACDONALD) has brought up this amendment at this time is that it clarifies the Pastore amendment which is already in the Senate bill.

Mr. DELLENBACK. I appreciate the comments of the majority leader, the gentleman from Massachusetts, but it seems to me, Mr. Chairman, that we make a very serious mistake if, without committee hearings on this matter, without the subcommittee having heard the matter, we take up a proposed major amendment which has not even been read, and which we certainly have had no time to examine in detail.

I would reluctantly urge this committee at this time, if it wants to stay with the subject matter of the very important piece of legislation that this bill basically is, not to encumber it at this time of night with this kind of amendment.

Mr. Chairman, I would urge the defeat of this amendment.

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

Mr. Chairman, I have examined the amendment and find that it is similar to the Pastore amendment, and realizing that it will be subject to conference I have no objection whatsoever to accepting this amendment. I hope other Members will accept it also.

Mr. STEIGER of Arizona. Mr. Chairman, I rise in opposition to the amendment. Strangely enough I rise in opposition for exactly the same reasons the gentleman from Montana, the chairman of the subcommittee, supports the amendment: the very fact that the language similar to this is in the Senate bill. The Senate has had no more opportunity to examine the matter than we have had. It seems to me the only chance to remedy whatever might be wrong with the Senate language is not to have any language in this bill so that if the plan is as unworkable as it would appear to be from first glance, this idea of shipping oil from the west coast to the east coast on some kind of mandated base, I believe would be doing a great disservice to the rest of the Nation.

I would suggest as wide-sweeping a program as this if it is meritorious should have a committee examine the plan. I would be terribly concerned knowing no more than I do about this and knowing that the other body traditionally accepts these things knowing no more than we do about this matter and I believe we would be doing a great disservice to the Nation to accept this.

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

Mr. STEIGER of Arizona. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, if I said it would be shipping oil on a mandated basis from the west coast to the east coast I was in error or else the gentleman heard me incorrectly because that is nowhere contained in the amendment.

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

Mr. STEIGER of Arizona. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Massachusetts explain this to me. It is my understanding the other body has approved an amendment in the hobby control legislation and we are now having hearings before the House Rules Committee on whether or not that committee will report that legislation with the mandatory petroleum allocation provision. How many times are we going to deal with the mandatory oil allocation programs?

Mr. MACDONALD. Will the gentleman let me explain this?

Mr. GERALD R. FORD. I would like to know that.

Mr. MACDONALD. Mr. Chairman, the word "allocation" applies to completely different substances. One is a division of the United States intersections for petroleum purposes. That is the bill which is before us here today with my amendment. The other bill goes to allocation to independent producers and to independent refiners and to the gas stations and to the farmers in the gentleman's area to insure under an emergency basis a quick flow from the major oil companies to the people they had been supplying up until the time they cut them off, roughly about a month ago. So the subjects while related are not similar. If they were similar I would have tried to attach the thing in the Rules Committee to this bill but they were so dissimilar I thought a point of order would lie against that, and I think I am quite correct in saying I think a point of order would lie. They are quite similar but different.

Mr. GERALD R. FORD. Let me ask, has the gentleman's committee or any other committee in the House had hearings on this amendment?

Mr. MACDONALD. I did not hear the gentleman.

Mr. GERALD R. FORD. I will ask the gentleman from Massachusetts the question again.

Has the gentleman's committee or any subcommittee thereof or any other committee held hearings on the amendment which is a very broad, sweeping amendment? Have committee hearings been held on the proposal?

Mr. MACDONALD. The gentleman is talking about this amendment?

Mr. GERALD R. FORD. I am talking about the amendment the gentleman just offered.

Mr. MACDONALD. My subcommittee has not held hearings on this matter.

Mr. GERALD R. FORD. Has any other committee held hearings?

Mr. MACDONALD. I do not know whether the Senate did or not. They incorporated it into the bill so I take it they must have.

Mr. GERALD R. FORD. Let me ask this question.

Has the House Committee on Interstate and Foreign Commerce held any hearings on the bill now being discussed before the Rules Committee?

Mr. MACDONALD. Yes, I assure the gentleman the language——

Mr. GERALD R. FORD. The other House bill has been reported?

Mr. MACDONALD. It has not been reported, no.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. STEIGER of Arizona. Will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Chairman, I have one question to put to the gentleman from Massachusetts. He mentioned here several regions of the country, and among the regions of the country, several States. Can the gentleman advise me as to what those regions are and what States are involved?

Mr. MACDONALD. Mr. Chairman, the plan has not been put into effect yet. The President is going to firm up this plan under the direction of this amendment.

Mr. STEIGER of Arizona. Does the gentleman know how many regions we are asking the President to divide the country into?

Mr. MACDONALD. That question is for experts in the field. It is my recollection that it is nine.

Mr. BROWN of Ohio. Mr. Chairman, I would like to ask the chairman of the Communications and Power Subcommittee—I gather that is his interest in this legislation because he did have hearings on this legislation in a way; we had hearings relating to distribution of refined products—as I read this legislation very quickly, it relates to the distribution not only of refined products but also of crude oil. Is that correct?

As I understand the legislation and if I read it properly but very hastily, this legislation refers to the distribution of crude oil as well as refined products. Is that correct?

Mr. MACDONALD. All petroleum products. Yes.

Mr. BROWN of Ohio. Legislation under consideration by the Subcommittee on Communications dealt with refined products, not with crude oil. Is that correct?

Mr. MACDONALD. That is correct.

Mr. BROWN of Ohio. May I ask the

gentleman the method by which the distribution of crude products would be arranged when a company has its own source of oil and takes it to its own refinery for refinement of that product; and if it had a full supply and some other company that had a refinery and its own crude oil sources did not have a full supply, would then the fully supplied company be obliged to sell its crude product to the undersupplied company if that undersupplied company could refine and distribute it?

Mr. MACDONALD. No. This has nothing to do with companies. This sets up the United States into regions. If east of the Rockies would be 36 percent dependent on Mideastern oil—and we all know how unstable the Mideast is—and everything west of the Rockies by 1980 will have zero dependence on the Middle East, if an emergency comes it is my position and I hope the position of the Members who represent those districts properly that the "share the wealth" should go into reverse. They share the disasters.

We do not feel the west coast should have all the oil they want and need and the rest of the country have none.

Mr. BROWN of Ohio. I understand the gentleman's point, but the crude oil—is the gentleman contending it belongs to the United States, or is it owned by an individual company? How can this legislation really take an individual company that owns crude oil and order it to sell that crude oil to a company in another part of the country which does not have a full supply of crude oil to refine?

Mr. MACDONALD. I do not know where the gentleman gets that from, because the President has not set up the contingency plan yet. We appoint him to set up the plan and send it to the Congress.

If we were to do as the gentleman indicates, I for one shall not vote for it, and I know the gentleman from Ohio will not.

Mr. BROWN of Ohio. If I may, the legislation we had under consideration required an equitable distribution of refined product in the free market, and it said that the distribution pattern that was in use previous to the shortage would be the distribution pattern when there was only 95 percent of the needed refined product. In other words, 95 percent would go to everyone in the distribution pattern which existed before in the free market system. But this amendment takes in crude product.

As I understand, this amendment requires that a company which has sufficient crude product would be required to send some of its product to another part of the country and companies in that part of the country for refining and distribution.

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

Mr. Chairman, I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. If I may, I should like to continue my inquiry about what the amendment actually would do. It is a seven-page amendment, and some explanation of it would be helpful, so that we could make a determination as to whether to vote for it or against it.

I, for one, was prepared to support the legislation studied by our subcommittee. I am not sure I am prepared to support the legislation proposed here, because I want to know what the distinction is, what this amendment would do over what that bill would have done.

Getting back to the discussion of the distribution of crude oil, would this require that a company, which owns crude oil on the west coast and is about to refine that crude oil product in its own refinery for distribution into its own market system, would be required to give that crude oil, for whatever price, to a company on the east coast, so that east coast company might refine it and then distribute it in its own market system?

Mr. MACDONALD. I have tried to answer the gentleman three different times. I will do it a fourth time.

Mr. BROWN of Ohio. I have not understood the answer yet.

Mr. MACDONALD. I am not really responsible for that.

The contingency plan which this amendment proposes would be drawn up by the oil and gas fuel advisers to the President. The President would either OK the contingency plan that was advanced to him or not. If he did OK it, under the amendment he would be ordered by the amendment to submit that plan to the Congress for approval. If the Congress did not approve the contingency plan nothing would happen.

I cannot assure the gentleman as to what is going to be in the plan. It is up to the advisers to the President.

I should like to point out, in addition, if the gentleman will yield further, that the reason why there was no legislation, as the gentleman from Ohio knows very well, was that the Deputy Secretary of the Treasury, William Simon, told us in public that we should not go ahead with the plan for allocation of fuel because the administration was going to do that. He promised us that July 10, and we are still waiting.

Mr. BROWN of Ohio. I understand the gentleman's point. The 7 days ran from July 10 to July 17, and the committee could have gone ahead and acted at any time after that, rather than wait until this late hour.

Let me make the observation again that there is a distinction here: this plan which distributes crude oil as if it were a national resource rather than a plan that sets up a pattern for distribution of a refined product in the free market system according to patterns that have existed in the free market system previously.

This apparently would give the President authority to distribute all of the crude oil owned by all the companies in the United States. I do not know what it would do for the crude oil of foreign companies in the United States. All of the crude oil would be distributed by the Federal Government. That seems to be very close to seizure of goods or at least forced distribution of those goods privately owned. I find that to be a little disturbing.

Unless the gentleman can explain it better than he has, it seems to me that possibility could exist.

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

Mr. Chairman, it is quite clear now that the gentleman from Washington (Mr. MEEDS) should not have withdrawn his reserved point of order because this amendment is not in fact germane to this bill.

This proposal before us today is a proposal to provide for the construction of a transmission facility, a pipeline to bring crude oil from Alaska. The purpose of this legislation is not to provide for the allocation now or at some future point in time by the mechanism of this proposed contingency plan for the allocation of this oil transmitted through this proposed facility.

Now, the President already has the authority under legislation enacted by this Congress, both the House and the Senate, to allocate, if need be, both crude oil and the refined or finished product and to establish a ceiling on the price of that product.

Now, let us not complicate this with something that none of us knows enough about. Let us stick with the purposes of this bill. The President, about the middle of this month, is going to put into action or into force an allocation plan that involves both crude oil and the finished product and a ceiling on the prices of these products.

Mr. Chairman, if we really want to help solve the problem of a crude oil shortage, let us not complicate it with something here which nobody knows whether or not it will work, because honestly none of us knows what the plan contains. Let us be safe rather than sorry, and let us vote down this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MACDONALD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 233, present 2, not voting 19, as follows:

[Roll No. 421]

AYES—179

Abzug	Burton	Edwards, Calif.
Adams	Carey, N.Y.	Eilberg
Addabbo	Carney, Ohio	Evans, Colo.
Alexander	Carter	Findley
Anderson, Ill.	Chisholm	Fish
Andrews, N. Dak.	Clancy	Flood
Annunzio	Clark	Foley
Ashley	Clay	Ford, William D.
Aspin	Cleveland	Fraser
Badillo	Cohen	Frelinghuysen
Bafalis	Collins, Ill.	Frenzel
Bennett	Conte	Frey
Bergland	Cotter	Gaydos
Biaggi	Coughlin	Giaimo
Biester	Cronin	Gibbons
Bingham	Culver	Gilman
Blatnik	Daniels, Dominick V.	Grasso
Boland	Delaney	Green, Pa.
Brademas	Dellums	Griffiths
Brasco	Denholm	Grover
Breckinridge	Dent	Gude
Brown, Calif.	Donohue	Hamilton
Burke, Mass.	Drinan	Hanley
Burlison, Mo.	du Pont	Hansen, Idaho

Harrington	Mink	Sarasin
Harvey	Mitchell, Md.	Sarbanes
Hastings	Mitchell, N.Y.	Saylor
Hays	Moakley	Schroeder
Hechler, W. Va.	Mollohan	Seiberling
Heckler, Mass.	Moorhead, Pa.	Shipley
Heinz	Morgan	Slack
Helstoski	Mosher	Staggers
Holtzman	Murphy, Ill.	Stanton,
Horton	Murphy, N.Y.	J. William
Howard	Nix	Stanton,
Hungate	Obey	James V.
Ichord	O'Hara	Stark
Karth	O'Neill	Steele
Kastenmeier	Owens	Stokes
Kemp	Pike	Stratton
Kluczynski	Podell	Studds
Koch	Price, Ill.	Sullivan
Kyros	Quie	Symington
Lent	Randall	Thompson, N.J.
Litton	Rangel	Thone
Long, Md.	Reid	Tiernan
McCloskey	Reuss	Udall
McCollister	Riegle	Van Deerlin
McDade	Rinaldo	Vanik
McFall	Robison, N.Y.	Walsh
McKinney	Rodino	Whalen
Macdonald	Roe	Wolff
Madden	Roncallo, Wyo.	Wydler
Mallary	Roncallo, N.Y.	Wyman
Matsunaga	Rooney, Pa.	Yates
Mayne	Rosenthal	Yatron
Mazzoli	Rostenkowski	Young, Fla.
Melcher	Roush	Young, Ga.
Metcalfe	Roy	Zablocki
Mezvinsky	Ruppe	
Minish	St Germain	

NOES—233

Abdnor	Eckhardt	McSpadden
Anderson, Calif.	Edwards, Ala.	Madigan
	Erlenborn	Mahon
Andrews, N.C.	Esch	Mailliard
Archer	Eshleman	Mann
Arends	Fascell	Maraziti
Armstrong	Flowers	Martin, Nebr.
Ashbrook	Flynt	Martin, N.C.
Baker	Ford, Gerald R.	Mathias, Calif.
Barrett	Forsythe	Mathis, Ga.
Beard	Fountain	Meeds
Bell	Froehlich	Michel
Bevill	Fulton	Milford
Blackburn	Fuqua	Miller
Boggs	Gettys	Minshall, Ohio
Boiling	Ginn	Mizell
Bowen	Goldwater	Montgomery
Bray	Gonzalez	Moorhead, Calif.
Breaux	Goodling	
Brinkley	Green, Oreg.	Myers
Brooks	Gross	Natcher
Broomfield	Gubser	Nedzi
Brotzman	Gunter	Nelsen
Brown, Mich.	Guyer	Nichols
Brown, Ohio	Haley	Parris
Broyhill, N.C.	Hammer-schmidt	Passman
Broyhill, Va.		Patten
Buchanan	Hanrahan	Pepper
Burgener	Hansen, Wash.	Pettis
Burke, Calif.	Harsha	Peyser
Burke, Fla.	Hawkins	Pickle
Burleson, Tex.	Hébert	Poage
Butler	Henderson	Powell, Ohio
Byron	Hicks	Preyer
Camp	Hillis	Price, Tex.
Casey, Tex.	Hinshaw	Pritchard
Cederberg	Hogan	Quillen
Chamberlain	Holifield	Railsback
Chappell	Holt	Rarick
Clausen, Don H.	Hosmer	Rees
	Huber	Regula
Clawson, Del	Hudnut	Rhodes
Cochran	Hunt	Roberts
Collier	Hutchinson	Robinson, Va.
Collins, Tex.	Johnson, Calif.	Rogers
Conable	Johnson, Colo.	Rose
Conlan	Johnson, Pa.	Rousselot
Corman	Jones, Ala.	Roybal
Crane	Jones, N.C.	Runnels
Daniel, Dan	Jones, Okla.	Ruth
Daniel, Robert W., Jr.	Jones, Tenn.	Ryan
	Jordan	Sandman
Danielson	Kazen	Satterfield
Davis, Ga.	Keating	Scherle
Davis, S.C.	Ketchum	Schneebeli
Davis, Wis.	Landrum	Shoup
de la Garza	Latta	Shriver
Dellenback	Leggett	Shuster
Dennis	Lehman	Sikes
Derwinski	Long, La.	Sisk
Devine	Lott	Skubitz
Dickinson	Lujan	Smith, N.Y.
Dorn	McClory	Snyder
Downing	McCormack	Spence
Dulski	McEwen	Steed
Duncan	McKay	Steelman
Steiger, Ariz.	Vander Jagt	Wilson, Charles H., Calif.
Steiger, Wis.	Veysey	
Stephens	Vigorito	Wilson, Charles, Tex.
Stubblefield	Waggonner	
Stuckey	Waldie	Winn
Symms	Wampler	Wright
Talcott	Ware	Wyatt
Taylor, Mo.	White	Wylie
Taylor, N.C.	Whitehurst	Young, Alaska
Teague, Calif.	Whitten	Young, Ill.
Thomson, Wis.	Widnall	Young, S.C.
Thornton	Wiggins	Young, Tex.
Towell, Nev.	Williams	Zion
Treen	Wilson, Bob	
Ullman		

PRESENT—2

Dingell	Moss

NOT VOTING—19

Conyers	King	Rooney, N.Y.
Diggs	Kuykendall	Sebelius
Evins, Tenn.	Landgrebe	Smith, Iowa
Fisher	Mills, Ark.	Teague, Tex.
Gray	O'Brien	Zwach
Hanna	Patman	
Jarman	Perkins	

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. BURKE OF CALIFORNIA

Mrs. BURKE of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BURKE of California: Page 22, after line 21, insert the following:

SEC. 211. Notwithstanding any other provision of law, and unless the Secretary of the Interior shall determine it to be inconsistent with the public interest, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be used in the construction, operation, and maintenance of the trans-Alaskan pipeline, and related facilities authorized under this Act. This section shall not apply with respect to articles, materials, or supplies—

(a) for use outside the United States;

(b) if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; or

(c) purchased, or contracted for, before August 2, 1973.

Mrs. BURKE of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BURKE of California. Mr. Chairman, this is an amendment which will attempt to assure that the materials and the supplies that are utilized and purchased for this pipeline to the maximum extent feasible will be manufactured within the United States. We certainly need to promote our economy and we certainly need to promote jobs. One way we can do this is to apply the same concept we apply for public improvements.

Members may say this is not a public venture, but when we look at this pipeline which will be 789 miles long, we will see that of this 789 miles 641 of those miles will be over public land, so what we are taking about is the right-of-way for most of the pipeline has substantial public involvement. The cost of this pipeline will be in excess of $1 billion.

Many people raise the question that we know they have already purchased $96 million of this pipe from Japan. Certainly this has already been purchased and in my amendment I except and exempt from the Buy America Act all provisions of that pipe and those supplies already purchased or contracted for prior to this date. What we are saying is that all future contracts, all future purchases should be made so that we can promote our economy here.

What are we talking about? Over $800 million of supplies and materials have not been purchased. If we want to try to assist our economy and in view of the fact that we are making all kinds of concessions about all kinds of precedents for the sake of moving forward expeditiously, maybe there are good reasons and maybe there are not, but the question is should we promote the economy and promote the business for the people of the United States?

At this time I say the only way to assure that we in fact improve our economy is to say that, yes, if we give the builders the right-of-way they will purchase these materials in the United States and help our people here at home. I hope this amendment will be accepted.

Mr. SAYLOR. Mr. Chairman, I rise in support of this amendment. I commend our colleague, the gentlewoman from California, for offering this amendment. She offered it in the full committee. She has made the changes that were criticized in the full committee, that it did not take into consideration the pipe that has already been bought.

We all sat here this afternoon and listened to the distinguished chairman of the Rules Committee (Mr. MADDEN) read a letter from Andrew Biemiller, a former Member of this group, saying that labor wanted this pipeline. If labor wants the pipeline, certainly we ought to do everything we can to see that it is built with American supplies and equipment.

Mr. Chairman, I urge acceptance of the amendment.

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

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

Mr. STEIGER of Arizona. Mr. Chairman, I find myself in reluctant opposition to both the gentlewoman from California and the gentleman from Pennsylvania.

I think every time we put in a most favored nation clause which excludes all other nations we jeopardize our export trade as well as our future import trade. I urge the Members not to be swept along by the gentlewoman's eloquence or attractiveness nor the earnest and well-meaning efforts of the gentleman from Pennsylvania. I ask that the Members recognize what we would be doing here would be to exclude our friends whom we are attempting to continue to help.

Mr. SAYLOR. Mr. Chairman, I will say to my colleagues we passed a similar

amendment to this in the armed services bill the other day. I certainly think we ought to do it in this case because we are giving the oil companies a right-of-way over public land.

I certainly hope the amendment is adopted.

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

Mr. Chairman, I only hope that what the gentlewoman from California has described will come about; that is, that the purchases will be made from American supplies. However, I cannot support her amendment. The burdens that would be imposed upon the Secretary of the Interior to make all of the judgments on what was available through American suppliers and make sure that they would be purchased through American suppliers if available is an intolerable burden to be placed upon him.

Furthermore, we have never, that I am aware of, forced upon a private company in a private venture the obligation to buy only American products.

Lastly, we are not going to give a right-of-way across public lands to the trans-Alaskan route or any other oil and gas pipeline route. We are going to charge fair market rental value annually for the right-of-way.

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

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

Mr. HOSMER. Mr. Chairman, the gentleman has stated a very, very true fact. We should not legislate in Congress on these foreign exchange and foreign purchase matters. That is something that has to be done by the executive department if it is to be done well. If we start fiddling around on this kind of repressive action here in Congress we end up tying the hands of our people who are now trying to negotiate with the Japanese, for instance, and break down some of those nontariff barriers that they have up against our exports.

If we do this kind of thing and put it into law, it is a perfect excuse for them to tell us to go jump in the lake when we come around trying to get these barriers removed.

Congress is certainly not the place to do this kind of negotiating on foreign trade.

I very much urge that this amendment be defeated.

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

Mr. Chairman, it seems to me that if we are going to do everything for the oil companies—and let us face it, in spite of all the oratory we have heard here about the folks back home, the beneficiaries are the oil companies—the least we can ask them to do would be to buy American products to build the pipeline.

This whole bill is full of gimmicks for the oil companies. I am about to the place where the only question I want to ask is, how does this amendment help the oil companies? We have given them everything but the United States of America. We have given them tax breaks, Arco, for one—and I can reel off some more, because I have been studying up—has made $750 million in profits in the last 5 years, and they have not paid a dime of income tax. How do you like that? Now we are going to give them a right-of-way across Alaska, which they want, and let them ship it down to the west coast and spill oil all up and down the place.

We are not going to say, "Build a pipeline here or there." We are not even going to say, "You cannot burn off the gas." And I bet that is what they wind up doing.

I think the least we could do is say, "All right. Go ahead and build it and use American pipe while you are building it."

I do not know whether you buy this propaganda about a gasoline shortage, but as I said here on the floor a week ago, you can bet your bottom dollar that when they get the price of gasoline up to 60 cents a gallon, this shortage is going to disappear overnight.

I hope the lady's amendment prevails. I do not see how anybody can go home and explain to their constituents how they voted for the Alaska pipeline to be built with foreign pipe.

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

Mr. Chairman, it is a strange thing. When the pipeline was first proposed and before any official action was taken I was in Japan and saw the pipes being made. And when there was a proposal to purchase them, some kind of propaganda went out, which said that the American mills asked to bid but said they could not build them. Do Members know why? I will tell them why. They put on a deadline for delivery they could not possibly obtain. They could not tool up for them.

The pipes were delivered. I watched them being unloaded from the ships and loaded onto the barges at Tacoma.

The reason I am talking about this is because they were delivered 2½ years ago, and we could easily have tooled up if there had not been a prior purchase before it was even approved.

Let me say another thing. Do Members know why they are afraid of the amendment? Because we cannot provide the products. We do not have the capability.

How many of the men and women in this room realize we do not have the capability for peaceful production in a peacetime economy? Under no kind of a stretch of an imagination can we produce for the emergency of war.

If we do not do this we can blame ourselves for the greater deterioration in this economy. We cannot produce the products we need.

I hope the Members will vote for the gentlewoman's amendment, because that will a least prove it to the diehards that this country is no longer able to produce not only for itself but, God knows, for anybody else.

Mrs. BURKE of California. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentlewoman from California.

Mrs. BURKE of California. I should like to call attention to the specific wording of the amendment. The amendment is directed to only those things that can be reasonably produced.

Mr. DENT. I understand.

Mrs. BURKE of California. There seems to be a great difference of opinion as to whether or not the United States can provide the remainder of this pipe. Some people tell me there is now availability in the United States to provide this pipe, even though there was not at the time the original order was placed.

I understand also that many of the fittings and many other things which perhaps 4 years ago could not be provided now can be produced in the United States.

The amendment relates only to those things that can be feasibly and reasonably produced in the United States.

Mr. DENT. Both the Big Inch and the Little Inch run right through the heart of my district. Where did we get the pipe? Where did we get all the tools we needed for that great achievement in this country?

We had the capability. We had the trained workmen. We had the necessary knowhow in this country.

I do not know how many Members understand the economics of survival. This little bit of an amendment points out the necessity for a nation to look inward first toward its survival, and then to reach out to help others become equipped and able to survive.

I remember when I was a leader in the State senate, when the government proposed a certain budget for the mentally disturbed people of our great State. The cost increase was so great that it moved the cost per patient from $2,000 to $11,000. We had reduced many of the budgets in the State to try to achieve that high budgetary item.

A statement was made then, and I have never forgotten it:

There are times in our zeal to do good that we sometimes make the fit unfit trying to make the unfit fit.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. BURKE).

The question was taken; and the Chairman announced that the Chair was in doubt.

RECORDED VOTE

Mr. HAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 334, noes 65, not voting 34, as follows:

[Roll No. 422]

AYES—334

Abdnor	Brasco	Chisholm
Abzug	Bray	Clancy
Adams	Breaux	Clark
Addabbo	Brinkley	Clausen, Don H.
Anderson, Calif.	Brooks	Clawson, Del
Andrews, N.C.	Broomfield	Clay
Annunzio	Brotzman	Cleveland
Arends	Brown, Calif.	Cochran
Ashbrook	Brown, Mich.	Cohen
Ashley	Brown, Ohio	Collier
Badillo	Broyhill, N.C.	Collins, Ill.
Bafalis	Broyhill, Va.	Collins, Tex.
Baker	Buchanan	Conlan
Barrett	Burgener	Conte
Beard	Burke, Calif.	Cotter
Bennett	Burke, Fla.	Coughlin
Bergland	Burke, Mass.	Cronin
Bevill	Burlison, Mo.	Daniel, Dan
Biaggi	Butler	Daniel, Robert W., Jr.
Biester	Byron	Daniels, Dominick V.
Blatnik	Carney, Ohio	Danielson
Boggs	Carter	Davis, Ga.
Boland	Casey, Tex.	Davis, S.C.
Bowen	Cederberg	
Brademas	Chamberlain	
	Chappell	

Davis, Wis.	Koch	Rosenthal
de la Garza	Kyros	Rostenkowski
Delaney	Landrum	Roush
Dellums	Latta	Rousselot
Denholm	Leggett	Roy
Dennis	Lehman	Roybal
Dent	Lent	Runnels
Devine	Litton	Ruth
Dickinson	Long, La.	Ryan
Dingell	Lott	St Germain
Donohue	Lujan	Sandman
Dorn	McCormack	Sarasin
Downing	McDade	Sarbanes
Dulski	McFall	Satterfield
Duncan	McKay	Saylor
Eckhardt	McKinney	Scherle
Eilberg	McSpadden	Schroeder
Eshleman	Macdonald	Seiberling
Evans, Colo.	Madden	Shipley
Fascell	Madigan	Shoup
Fish	Mahon	Shriver
Flood	Mann	Shuster
Flowers	Maraziti	Sisk
Flynt	Martin, Nebr.	Skubitz
Ford, Gerald R.	Mathias, Calif.	Slack
Ford, William D.	Mathis, Ga.	Smith, N.Y.
	Matsunaga	Snyder
Forsythe	Mazzoli	Spence
Fountain	Metcalfe	Staggers
Frey	Mezvinsky	Stanton, J. William
Froehlich	Michel	
Fulton	Milford	Stark
Fuqua	Miller	Steed
Gaydos	Minish	Steele
Gettys	Mink	Steelman
Giaimo	Minshall, Ohio	Steiger, Wis.
Gilman	Mitchell, Md.	Stephens
Ginn	Mitchell, N.Y.	Stokes
Goldwater	Mizell	Stratton
Gonzalez	Moakley	Stubblefield
Goodling	Mollohan	Stuckey
Grasso	Montgomery	Studds
Green, Oreg.	Moorhead, Calif.	Sullivan
Green, Pa.		Symington
Griffiths	Morgan	Symms
Gross	Moss	Talcott
Grover	Murphy, Ill.	Taylor, Mo.
Gubser	Murphy, N.Y.	Taylor, N.C.
Gunter	Myers	Thomson, Wis.
Guyer	Natcher	Thone
Hamilton	Nedzi	Thornton
Hammer-schmidt	Nix	Tiernan
	Obey	Towell, Nev.
Hanley	O'Hara	Treen
Hanrahan	O'Neill	Udall
Hansen, Wash.	Owens	Van Deerlin
Harsha	Parris	Vander Jagt
Hastings	Passman	Vanik
Hawkins	Patten	Veysey
Hays	Pepper	Vigorito
Hechler, W. Va.	Perkins	Waggonner
Heckler, Mass.	Pettis	Waldie
Heinz	Peyser	Walsh
Helstoski	Pickle	Wampler
Henderson	Poage	White
Hillis	Podell	Whitehurst
Hinshaw	Powell, Ohio	Whitten
Hogan	Preyer	Widnall
Holifield	Price, Ill.	Williams
Holt	Price, Tex.	Wilson, Bob
Holtzman	Pritchard	Wilson, Charles H., Calif.
Horton	Quillen	
Huber	Randall	
Hudnut	Rangel	Wilson, Charles, Tex.
Hungate	Rarick	
Hunt	Regula	Winn
Hutchinson	Rhodes	Wolff
Ichord	Riegle	Wright
Johnson, Calif.	Rinaldo	Wyatt
Johnson, Pa.	Roberts	Wydler
Jones, Ala.	Robinson, Va.	Wyman
Jones, N.C.	Robison, N.Y.	Yates
Jones, Tenn.	Rodino	Yatron
Jordan	Roe	Young, Fla.
Kazen	Rogers	Young, Ga.
Keating	Roncalio, Wyo.	Young, S.C.
Kemp	Roncallo, N.Y.	Young, Tex.
Ketchum	Rooney, Pa.	Zablocki
Kluczynski	Rose	Zion

NOES—65

Anderson, Ill.	Conable	Foley
Andrews, N. Dak.	Corman	Fraser
	Crane	Frelinghuysen
Archer	Culver	Frenzel
Armstrong	Dellenback	Gibbons
Aspin	Derwinski	Gude
Bell	Drinan	Haley
Bingham	du Pont	Hansen, Idaho
Blackburn	Edwards, Ala.	Harrington
Bolling	Edwards, Calif.	Hicks
Breckinridge	Erlenborn	Hosmer
Burton	Esch	Johnson, Colo.
Camp	Findley	Kastenmeier
Long, Md.	Meeds	Schneebeli
McClory	Melcher	Steiger, Ariz.
McCloskey	Mosher	Teague, Calif.
McCollister	Nelsen	Ware
McEwen	Quie	Whalen
Mailliard	Rees	Wiggins
Mallary	Reid	Wylie
Martin, N.C.	Reuss	Young, Alaska
Mayne	Ruppe	Young, Ill.

NOT VOTING—34

Alexander	Jarman	Railsback
Burleson, Tex.	Jones, Okla.	Rooney, N.Y.
Carey, N.Y.	Karth	Sebelius
Conyers	King	Sikes
Diggs	Kuykendall	Smith, Iowa
Evins, Tenn.	Landgrebe	Stanton, James V.
Fisher	Mills, Ark.	
Gray	Moorhead, Pa.	Teague, Tex.
Hanna	Nichols	Thompson, N.J.
Harvey	O'Brien	Ullman
Hébert	Patman	Zwach
Howard	Pike	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MELCHER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto end at 9:30 o'clock.

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

Mr. DINGELL. Mr. Chairman, reserving the right to object, I think we ought to know how many Members have amendments to offer.

The CHAIRMAN. The Chair is unable to reply.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Montana yield?

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

Mr. GERALD R. FORD. It is my understanding—I could check again—that there are approximately eight amendments.

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

There was no objection.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: On page 13, strike lines 19 and 20 and insert in lieu thereof the following: "permits as are necessary for the construction of a trans-Alaskan oil pipeline."

(By unanimous consent Messrs. Moss, DINGELL, and SEIBERLING yielded their time to Mr. ECKHARDT.)

PARLIAMENTARY INQUIRY

Mr. DELLENBACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DELLENBACK. May I ask whether under the rules of the House for every amendment that has been published in the RECORD is it not true the sponsor has 5 minutes?

The CHAIRMAN. The gentleman is correct.

Mr. DELLENBACK. Is it possible, as a further parliamentary inquiry, to determine how many of the amendments at the desk have such sponsorship so we would know the total time?

The CHAIRMAN. The Chair is unable to advise the gentleman as to that question for the reason, the Chair would further advise the gentleman, that some of the amendments may not be offered.

Mr. DELLENBACK. Do I understand that those 5 minutes as accumulated will come out of the deadline time rather than be subsequent time?

The CHAIRMAN. The Chair would like to advise the gentleman all debate on the bill and all amendments thereto is limited to 9:30.

Mr. DELLENBACK. I thank the Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT.)

Mr. ECKHARDT. Mr. Chairman, I should like to present here what I think is an extremely serious amendment concerning a point that has been discussed in some of the previous debate, one which does not do violence to the intent of the act as has been described by the authors of the act.

I would like to point out to the Members that section 203 as read without certain additional material which does not change the essential meaning can be read as follows:

> The Secretary of the Interior is . . . authorized and directed to grant . . . notwithstanding the provisions of any law . . . such rights-of-way and permits as he finds necessary for the construction, operation, and maintenance of a trans-Alaskan oil pipeline.

If I can read the English language, what that means is that the Secretary, notwithstanding the provisions of any law, may grant rights-of-way and permits as he finds necessary not only for construction but also for operation and maintenance of the trans-Alaskan oil pipeline.

I think this language is clearly subject to the construction that he may grant a permit for the maintenance—and I think this is clearly subject to the interpretation that throughout the entire operation of the trans-Alaskan pipeline—and the Secretary has the authority to waive all laws with respect to that pipeline and grant permits to continue to operate if he considers it necessary to waive those laws for the purpose of that operation.

I see no reason why it could not be logically argued that even the regulations of OSHA and the regulations of the Federal Power Commission and other agencies could be waived with respect to the use of the pipeline as a common carrier.

I am sure the committee will say that is not their intent. If that is not their intent, let us make it clear.

But I am absolutely sure that the way this language is presently written the pipeline is completely removed from any effect of NEPA not only at the beginning of the construction of that pipeline but also with respect to all repairs and additions and continued operation of that pipeline from now until eternity.

I do not think that immunity should be granted. What I understood we intended to do here was to expedite the construction of the pipeline, not to give a blanket authority to escape the limitations of NEPA as exercised by the Secretary during the life of the pipeline. I think as I said before that it is subject even to the further construction that he

may make certain permits which may override other law because the language clearly says that the Secretary of the Interior is authorized and directed to grant notwithstanding the provisions of any law other than said Act, or to issue such rights and permits as he finds necessary for the construction, operation, and maintenance.

All that this amendment does is strike those last words of that sentence so that it would read that the Secretary has the right to grant, "such rights of way and permits as he finds necessary for the construction of the trans-Alaskan oil pipeline," period.

In other words—as the committee says it wants—what this would do is say that he may grant permits irrespective of NEPA necessary for the construction of the trans-Alaskan oil pipeline. That is what advocates of the bill say they want. Let us write it that way, but let us not give a blanket authority to ignore NEPA from now on out.

NEPA involves not only standards, but procedures for judging whether those standards have been complied with. NEPA certainly requires that any repair or changes or enlargements or further operations of the pipeline which have been done in response to Federal activity be subjected to consideration by the Secretary of the Interior to see if they have negative environmental effects. I do not think anyone here wants to let a determination leveled at the question of whether construction should commence, be an absolute authority to the Secretary to avoid NEPA limitations and ultimate court review with respect to what happens to the pipeline from here on out.

The amendment I present here in no way injures the purpose of the bill, nor holds anything up, because it clearly states that permits are permitted to be made free of these limitations if they are necessary in construction of the pipeline.

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

Mr. Chairman, I rise in reluctant opposition, because I am sure the gentleman is trying, but I am very fearful that it may be an extremely mischievous amendment offered by the gentleman from Texas which brings us right back to where we were earlier this afternoon prior to several votes in this House which indicated it wanted, by this legislation, to take the Alaskan pipeline out from under NEPA because of the ending which says—

As would otherwise be necessary for the construction of the trans-Alaskan oil pipeline under law applicable——

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield? The gentleman is in error.

The CHAIRMAN. The gentleman from Washington has the floor.

Mr. MEEDS. The law applicable by further passage of this title is that NEPA, if we accept that, then we are going to be right back under it and it will be necessary to go through the court test. We have so voted that we do not want to do this. Therefore, I reluctantly oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL) for 1½ minutes.

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

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

Mr. ECKHARDT. Mr. Chairman, I want to make it clear to my friend that I understand his understandable error, which I am afraid I led him into by my tardy action, but I had talked to counsel for the committee and I thought the point that this langauge might be dangerous was well taken, and so I removed it before I offered the amendment.

Mr. Chairman, I ask unanimous consent that the Clerk rereport the amendment.

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

There was no objection.

The Clerk rereported the amendment.

Mr. UDALL. Mr. Chairman, I think the amendment is sound and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and on a division (demanded by Mr. ECKHARDT) there were—ayes 48, noes 61.

RECORDED VOTE

Mr. ECKHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 228, not voting 28, as follows:

[Roll No. 423]

AYES—177

Abzug	du Pont	McKinney
Anderson, Calif.	Eckhardt	Madden
Anderson, Ill.	Edwards, Calif.	Mallary
Andrews, N.C.	Esch	Mann
Andrews, N. Dak.	Evans, Colo.	Martin, N.C.
Annunzio	Findley	Matsunaga
Ashley	Fish	Mayne
Aspin	Flood	Mazzoli
Badillo	Foley	Metcalfe
Bafalis	Ford, William D.	Mezvinsky
Bell	Fountain	Minish
Bennett	Fraser	Mink
Bergland	Frenzel	Mitchell, Md.
Biaggi	Fulton	Mizell
Biester	Gaydos	Moakley
Bingham	Gibbons	Mollohan
Blatnik	Gilman	Moorhead, Pa.
Boggs	Gonzalez	Morgan
Boland	Grasso	Mosher
Bolling	Green, Pa.	Moss
Brademas	Griffiths	Murphy, Ill.
Breckinridge	Gude	Murphy, N.Y.
Brinkley	Gunter	Nedzi
Brotzman	Hamilton	Nelsen
Brown, Calif.	Hansen, Idaho	Obey
Burke, Calif.	Harrington	O'Hara
Burlison, Mo.	Hays	Owens
Burton	Hechler, W. Va.	Patten
Carey, N.Y.	Heckler, Mass.	Peyser
Carney, Ohio	Heinz	Pike
Chisholm	Helstoski	Podell
Cohen	Hicks	Preyer
Conte	Hillis	Price, Ill.
Cotter	Holtzman	Quie
Coughlin	Howard	Randall
Culver	Hungate	Rangel
Daniels, Dominick V.	Jordan	Rees
Danielson	Karth	Regula
de la Garza	Kastenmeier	Reid
Dellenback	Kluczynski	Reuss
Dellums	Koch	Riegle
Denholm	Kyros	Rinaldo
Dent	Lehman	Robison, N.Y.
Dingell	Litton	Rodino
Donohue	Long, Md.	Roe
Drinan	McClory	Rogers
	McCloskey	Rooney, Pa.
	McDade	Rosenthal
		Rostenkowski
Roush	Stanton, James V.	Udall
Roy	Stark	Van Deerlin
Roybal	Steele	Vander Jagt
St Germain	Steelman	Vanik
Sarasin	Steiger, Wis.	Waldie
Sarbanes	Studds	Whalen
Saylor	Sullivan	White
Schroeder	Symington	Wolff
Seiberling	Thone	Wylie
Staggers	Thornton	Yates
Stanton, J. William	Tiernan	Yatron
		Young, Ga.

NOES—228

Abdnor	Ginn	Perkins
Adams	Goldwater	Pettis
Addabbo	Goodling	Pickle
Archer	Green, Oreg.	Poage
Arends	Gross	Powell, Ohio
Armstrong	Grover	Price, Tex.
Ashbrook	Gubser	Quillen
Baker	Guyer	Railsback
Barrett	Haley	Rarick
Beard	Hammer-schmidt	Rhodes
Bevill	Hanley	Roberts
Blackburn	Hanrahan	Robinson, Va.
Bowen	Hansen, Wash.	Roncalio, Wyo.
Brasco	Harsha	Roncallo, N.Y.
Bray	Harvey	Rose
Breaux	Hastings	Rousselot
Brooks	Henderson	Runnels
Broomfield	Hinshaw	Ruppe
Brown, Mich.	Hogan	Ruth
Brown, Ohio	Holifield	Satterfield
Broyhill, N.C.	Holt	Scherle
Broyhill, Va.	Horton	Schneebeli
Buchanan	Hosmer	Shipley
Burgener	Huber	Shoup
Burke, Fla.	Hudnut	Shriver
Burke, Mass.	Hunt	Shuster
Burleson, Tex.	Hutchinson	Sikes
Butler	Ichord	Sisk
Byron	Johnson, Calif.	Skubitz
Camp	Johnson, Colo.	Slack
Carter	Johnson, Pa.	Smith, N.Y.
Casey, Tex.	Jones, Ala.	Snyder
Cederberg	Jones, N.C.	Spence
Chamberlain	Jones, Okla.	Steed
Chappell	Jones, Tenn.	Steiger, Ariz.
Clancy	Kazen	Stephens
Clark	Keating	Stratton
Clausen, Don H.	Kemp	Stubblefield
Clawson, Del	Ketchum	Stuckey
Cleveland	King	Symms
Cochran	Kuykendall	Talcott
Collier	Landrum	Taylor, Mo
Collins, Tex.	Latta	Taylor, N.C.
Conable	Leggett	Teague, Calif.
Conlan	Lent	Thomson, Wis.
Corman	Long, La.	Towell, Nev.
Crane	Lott	Treen
Cronin	Lujan	Ullman
Daniel, Dan	McCollister	Veysey
Daniel, Robert W., Jr.	McCormack	Vigorito
Davis, Ga.	McEwen	Waggonner
Davis, S.C.	McFall	Walsh
Davis, Wis.	McKay	Wampler
Delaney	McSpadden	Ware
Dennis	Macdonald	Whitehurst
Derwinski	Madigan	Whitten
Devine	Mahon	Widnall
Dickinson	Mailliard	Wiggins
Dorn	Maraziti	Williams
Downing	Martin, Nebr.	Wilson, Bob
Dulski	Mathias, Calif.	Wilson, Charles H., Calif.
Duncan	Mathis, Ga.	
Edwards, Ala.	Meeds	Wilson, Charles, Tex.
Eilberg	Melcher	Winn
Erlenborn	Michel	Wright
Eshleman	Milford	Wyatt
Fascell	Miller	Wydler
Flowers	Minshall, Ohio	Wyman
Flynt	Mitchell, N.Y.	Young, Alaska
Ford, Gerald R.	Montgomery	Young, Fla.
Forsythe	Moorhead, Calif.	Young, Ill.
Frelinghuysen	Myers	Young, S.C.
Frey	Natcher	Young, Tex.
Froehlich	Nix	Zablocki
Fuqua	O'Neill	Zion
Gettys	Parris	
Giaimo	Passman	

NOT VOTING—28

Alexander	Hébert	Ryan
Clay	Jarman	Sandman
Collins, Ill.	Landgrebe	Sebelius
Conyers	Mills, Ark.	Smith, Iowa
Diggs	Nichols	Stokes
Evins, Tenn.	O'Brien	Teague, Tex.
Fisher	Patman	Thompson, N.J.
Gray	Pepper	Zwach
Hanna	Pritchard	
Hawkins	Rooney, N.Y.	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TIERNAN

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

The Clerk read as follows:

Amendment offered by Mr. TIERNAN: Page 20, line 14, insert immediately after "bond" the following: "shall not be less than $100,000,000 and".

Mr. TIERNAN. Mr. Chairman and members of the committee, I would like to say at this time that I congratulate the committee first of all on adopting within the bill langauge that places strict liability on the operators of the pipeline in Alaska. This was not in the bill as it came from the committee, but was added to the bill in the full committee. However, in the language establishing the bond for payment under this liability that has been placed upon the operators there is no provision for the amount of the bond or the amount to be established by the legislation; it leaves it up to the discretion of the Secretary of the Interior.

I suggest to the Members here tonight that we should put at least a minimum amount that would be required on the face value of that bond.

I originally, as the Members know, proposed that we set up a trust fund and the money for that fund would be taken as a tax, or a deposit which would be placed on each barrel of oil that flows through the pipeline. But for the sake of saving time here tonight, because the hour is late, I have decided not to offer that amendment. But I do think that it is important to require the Secretary of the Interior to require a minimum amount of money to be established in the bond in the event of a disaster such as an earthquake, where we have this pipeline.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island.

The amendment was rejected.

AMENDMENT OFFERED BY MR. DELLENBACK

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

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: Page 15, line 13, strike out all of lines 13 through 22.

Mr. DELLENBACK. Mr. Chairman, this was one of the amendments which was published in the RECORD yesterday, and, therefore, technically under the rules I am allocated 5 minutes.

The CHAIRMAN. The gentleman is recognized.

Mr. DELLENBACK. I do not intend to use my full 5 minutes, Mr. Chairman.

This is the third of the sequence of amendments which Mr. OWENS and I had indicated we would propose to the House. I propose it at this time because I think it can stand on its own feet, but I recognize the will of the House as it has been shown. I still want to present it to the House and suggest that we do pass it because I do think that it is an important amendment which we should adopt.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DELLENBACK

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

The Clerk read as follows:

Amendment offered by Mr. DELLENBACK: Page 22, line 21, following line 21, insert a section 211 to read as follows:

"SEC. 211. If any provision of this Title or Title I of this Act or the applicability thereof is held invalid the remainder of such Title shall not be affected thereby."

Mr. DELLENBACK. Mr. Chairman, again this is one of the amendments which was published in the RECORD. I will not take the full 5 minutes allocated to me.

Let me say very briefly to the Committee what it is that this amendment proposes to do. Very often in legislation of this nature we legislate what is referred to as a severability clause at the end. This bill as it came out of the committee did not have a clause. In my opinion, it should have such a clause, because if any section of this bill should be stricken, the whole bill should not fall. This is the standard severability clause. It is for this reason I propose it.

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

Mr. DELLENBACK. I yield to the gentleman from Montana.

Mr. MELCHER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for his amendment on the severability clause. I am very much in favor of it, and I thank the gentleman.

Mr. DELLENBACK. I thank the chairman of the subcommittee.

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

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

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

Mr. Chairman, I welcome the amendment. The last time this committee used this amendment was on the Alaskan Native Claims Act, and so it is appropriate.

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

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

Mr. KAZEN. Does the amendment go to the entire bill or just to this section?

Mr. DELLENBACK. Mr. Chairman, this amendment goes to title I and title II. It goes to the entire bill.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California: On page 18, line 14, insert the following after "cease.":

"Any crude oil or other petroleum product exported pursuant to the mandates of this section must be carried in United States-flag vessels."

Mr. ANDERSON of California. I rise to propose an amendment to section 206 of the bill under consideration. As the Members know, section 206 makes the crude oil transported through pipelines as set out in the bill subject to the Export Administration Act of 1969. Before any such crude oil can be exported, the President must find that the exportation would be in the national interest. The President must report his findings to the Congress and the Congress must take affirmative action before the exportation of oil would take place.

I personally hope there is not any exportation of this oil. However, it is provided for in the bill.

Thus my amendment would provide that any such exports of crude oil which may arise under the mandate of section 206 must be in U.S. flag tankers rather than in foreign-flag bottoms.

On the oil from Valdez to the lower 48, the Jones Act requires all oil will be transported in American bottoms.

However—it is the foreign export that concerns me.

The amendment is as follows: On page 18, line 14, at the conclusion of the paragraph, insert:

Any crude oil or other petroleum product exported pursuant to the mandates of this section must be carried in United States-flag vessels.

The purpose of this amendment, Mr. Chairman, is to assure that any of the oil coming out of Alaska which may be exported, is carried in U.S. flag vessels. If we do not specifically include this requirement in the law, then it is fairly certain that this exported oil would most probably be carried in foreign-flag bottoms because of the economics of the situation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ANDERSON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE

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

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 13, strike out lines 5 through 9.

Page 13, beginning on line 14, strike out "and without further action under the National Environmental Policy Act of 1969".

Page 15, strike out lines 13 through 22 and redesignate the succeeding subsections accordingly.

Page 16, line 12, strike out "Notwithstanding" and insert in lieu thereof "Except as provided in section 204, notwithstanding".

Page 16, line 18, strike out "and which is not barred by subsection (d),".

Page 17, after line 11, insert the following:

Sec. 204. (a) Except as provided in subsection (b), on or after the end of the six-month period beginning with the date any right-of-way, permit, lease, or other Federal authorization is issued under this title, no action may be brought in any court arising out of a claim that any officer or employee of the United States failed to comply with the National Environmental Policy Act of 1969 in the issuance of such right-of-way, permit, lease, or other Federal authorization, and any such action pending at the end of such six-month period shall be dismissed. Any such action brought within such six-month period shall be brought in a United States district court which shall have exclusive jurisdiction to hear such action. Such

action shall be assigned for hearing by the court in which it is brought, or to which it is appealed, at the earliest practicable date, shall take precedence over all other matters pending on the docket of such court at that time, and shall be expedited in every way. Any review of an interlocutory or final judgment, decree, or order of such court by any party to such action may be had only upon direct appeal to the Supreme Court of the United States.

(b) Nothing in this section shall bar any person from bringing an action to enforce any final judgment, decree, or order of any court made within the six-month period specified in subsection (a). In the event any court determines that any officer or employee of the United States failed to comply with the National Environmental Policy Act of 1969, the United States may initiate an action seeking a modification of such determination without regard to the period of limitation specified in subsection (a).

And renumber the succeeding sections accordingly.

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. PICKLE. Mr. Chairman, I offer an amendment which I feel is both good environmental policy and also good legislative policy.

My amendment would allow a lawsuit under the National Environmental Protection Act to be completed within 6 months after the Secretary of Interior issues permits for the pipeline to be built.

After 6 months from the date of the permit—all jurisdiction under NEPA for law suits would cease.

In my amendment, there is provision for the suit to go to the U.S. district court and then directly to the Supreme Court. My amendment provides that this lawsuit would take priority over other matters pending before the court.

There would be two exceptions to my 6-month cutoff point for legal action. One, the U.S. Government could go to court after the 6-month period in order to have an injunction against the pipeline lifted. This exception is needed because the court could indicate the correcting steps needed to make the pipeline comply with NEPA. Corrections might occur after the 6-month period, in which case some action would be needed to lift the injunction.

Two, if a court ordered an injunction that said permits could not be issued, after the 6-month period, a plaintiff might have to go to court to enforce the court order. For example, if the Supreme Court ruled that the pipeline was not in compliance with NEPA, a plaintiff could go to court after the 6-month period to make sure that the Interior Department did not issue permits after the 6-month period had ended.

Besides a new section 204, my amendment would also strike those sections of the bill referring to the present provisions that NEPA is not to be considered as applying to the pipeline.

This would take conforming amendments to sections 203 and 202.

I think it fair that those who feel that the pipeline is not environmentally sound have their final day in court. But I do not think it ought to be stretched out forever. It ought to be decided within 6 months time.

Finally, Mr. Chairman, let me make it clear that I support the building of the Alaska pipeline. We need that oil and/or gas.

I also feel that the pipeline plans conform to NEPA. I feel that if litigated in court, this will be the finding. The environmental aspects of the pipeline have been studied and restudied.

I will support the building of the pipeline and H.R. 9130.

The fact is my amendment could make H.R. 9130 a better bill. My amendment is no more a constitutional question than the bill itself—H.R. 9130—is a constitutional question.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment. We have been up and down this hill all day. This is merely a rehash of the NEPA requirements with a little different twist which we have looked into and the possibility of giving to the Supreme Court a time within which they have to hear and decide issues has been held to be unconstitutional. We looked at an amendment for example very similar to the gentleman's and were advised by very good counsel it is unconstitutional.

Mr. Chairman, I would urge a vote against the amendment.

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

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

Mr. STEIGER of Arizona. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Washington. I concur with him completely, and I urge the defeat of this amendment.

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

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

Mr. PICKLE. Mr. Chairman, I would simply say to the gentleman that this amendment has not been offered today. This amendment does allow lawsuits to be brought. No comparable amendment has been brought here today. This amendment recognizes that suits can be brought, but at the end of 6 month's time no court would have further jurisdiction on them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The amendment was rejected.

ANNOUNCEMENT BY THE CHAIR

The CHAIRMAN. The Chair desires to announce at this time that all time under the limitation has expired. This does not apply to those Members who had their amendments previously printed in the RECORD. Those Members whom the Chair observed standing who have amendments, those amendments will be reported and voted upon.

Are there amendments from the members of the committee who were standing at the time the limitation was set? If not, the Chair recognizes the Members who have had their amendments printed in the RECORD.

AMENDMENT OFFERED BY MR. SEIBERLING

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

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 22, following line 21, insert new section as follows:

"SEC. 211. The Attorney General of the United States is authorized and directed to conduct a thorough study of the antitrust issues and problems relating to the production and transportation of Alaska North Slope oil and, not later than six months following the date of enactment of this Act, to complete such study and submit to the Congress a report containing his findings and recommendations with respect thereto."

PARLIAMENTARY INQUIRY

Mr. STEIGER of Arizona. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STEIGER of Arizona. Mr. Chairman, it is my understanding that the proponent of the amendment is entitled to be recognized for 5 minutes.

The CHAIRMAN. The gentleman is correct.

Mr. STEIGER of Arizona. And also any Member opposing the amendment is entitled to 5 minutes?

The CHAIRMAN. The gentleman is correct.

Mr. STEIGER of Arizona. I thank the Chairman.

Mr. SEIBERLING. Mr. Chairman, this is a very simple but in my opinion an important amendment. It does not delay anything; it does not obstruct anything. All it does is direct the Attorney General to conduct a study of the antitrust aspects of the production and transportation of Alaska North Slope oil and report back to Congress within 6 months.

I am sorry that when I offered my previous amendment, which would have divested the ownership of the pipeline company from the oil companies who own the existing rights on the North Slope, most members were out of the Chamber, because we were not able even to get enough people to stand for a record vote.

The gentlemen who are now calling for an immediate vote had better not be so hasty, because when this thing boils up and they find that they are confronting one of the most scandalous antitrust situations in the history of this country, maybe they will regret that they did not care to take enough time to consider the effect of this bill on that situation.

The North Slope of Alaska is the largest oil field ever discovered on the North American continent. At the present time three companies control 95 percent of the crude reserves in that field, which are estimated to be one-third of the total reserves.

Are we going to institute a regime of competition or a regime of monopoly for Alaskan oil? The American public is going to be asking that question, gentlemen.

These three companies are already tied together in agreements which eliminate any competition among themselves in the production of the oil of Alaska. They have agreed to share equally all leases and exploration data together. They will

set the rate of production. They are the largest owners of the pipeline company, which is in itself a monopoly and probably already violates section 7 of the Clayton Act, one of our antitrust laws.

If we are not going to look foolish when the FTC and the other authorities that are supposed to enforce the antitrust laws a number of years hence come down with a tremendous attack on the whole setup with respect to Alaskan oil, then we had better at least show on the RECORD that we are not so under the thumb of the oil companies as to even ignore the possibilities and the problems that are inherent in this situation.

The least we can do is to ask the Attorney General to make a thorough study and report back to us.

I could go on at some length and spell out the details. But the hour is late. I will simply say that this is the last opportunity to show we are acting in the interests of the consuming public in this country and not in the interests of maximizing profits for three giant oil companies.

Mr. STEIGER of Arizona. Mr. Chairman, I rise in opposition to the amendment.

I would merely point out that what the gentleman would require the Attorney General to do by law he is already required to do by law in terms of surveillance. The report is meaningless. If he is not going to do a good job he is not going to make a report on that.

What the gentleman's amendment attempts is cosmetic and not substantial. In fact, we would be relieving the Attorney General from his responsibility of antitrust surveillance by implying we have to tell him every time he has to impose the antitrust laws of this country. I suggest this does not achieve what the gentleman portends.

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

Mr. STEIGER of Arizona. I yield to the chairman of the subcommittee.

Mr. MELCHER. I thank the gentleman for yielding.

I believe the purpose of the amendment is commendable, but I would point out that the version of the bill passed by the Senate contains a title III, subpena and injunctive relief for the Federal Trade Commission. The Federal Trade Commission is involved in investigation of all oil companies, not just the Alaskan northern group.

I would hope in conference we can find some way of accommodating ourselves on this very important point. I would suggest to the members of the committee tonight that perhaps the Senate method under title III is the preferred route. Therefore, I do oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 16, line 13, after "proceeding" insert," other than an action or proceeding brought by the United States.".

Mr. DINGELL. Mr. Chairman, I will not take the full 5 minutes accorded me under the rule. I point out that the function of this amendment is to see to it that the 60-day limitation does not apply.

The section referred to, section (f) at page 16, provides that no person 60 days after the issuance of a permit may initiate any litigation. This amendment would limit that so that it would not apply to the United States, which issues the permit, so that the United States might then be able to resort to the courts to secure enforcement of the conditions of the permit and to see to it its rights as landowner and rights under the statute are properly enforced.

Mr. MELCHER. Mr. Chairman, will the gentleman yield.

Mr. DINGELL. I yield to the chairman of the subcommittee.

Mr. MELCHER. I thank the gentleman for yielding. I favor the amendment. I hope the committee will accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the chairman being in doubt, the committee divided, and there were—ayes 111, noes 13.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment which has been duly printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 13, beginning on line 17, strike out "and notwithstanding the provisions of any law other than said section 28 and this title II,".

Page 13, line 15, after "1969," insert "and".

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from California (Mr. HOSMER) will be heard on his point of order.

Mr. HOSMER. Mr. Chairman, the amendment has already been submitted and defeated earlier in the day.

The CHAIRMAN. Does the gentleman from Michigan (Mr. DINGELL) desire to be heard on the point of order?

Mr. DINGELL. Mr. Chairman, the gentleman from California has made his point of order. I will respond if the gentleman so desires.

The CHAIRMAN. The Chair will inquire of the gentleman: was this amendment submitted during debate under the 5-minute rule?

Mr. DINGELL. Mr. Chairman, the amendment has never been submitted by me or any other Member. It was duly printed in the RECORD.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, the function of this amendment is very simple.

As the Members will recall, Mr. Chairman, I arose to direct a series of questions of the gentleman from Montana (Mr. MELCHER) regarding whether or not it was the intention of the committee to affect a number of other statutes, such as OSHA, the Port and Waterways Safety Act, the Jones Act, the Fish and Wildlife Coordination Act, the Clean Air Act, the Federal Water Pollution Control Act, the Oil Pollution Act of 1961, the Wilderness Act, the National Wildlife Refuge System Act, the Fish and Wildlife Act of 1956, the Endangered Species Act, the Department of Transportation Act, section 12a, the Federal Highway Act, section 4(f), the Wild and Scenic Rivers Act, and the Federal Power Act.

Mr. Chairman, as my colleagues present here will recall, the gentleman from Montana (Mr. MELCHER), indicated to me it was not the intention that any of these statutes should be affected.

The function of this amendment is simply to make it very clear that the intention of the committee, as exemplified in the earlier communication by and between myself and the gentleman from Montana (Mr. MELCHER), is that none of these statutes is adversely affected or is imperiled in connection with the issuance of the permits under section 203.

For the benefit of my colleagues, I will point out that this amendment does not affect the fact that we are terminating the rights of litigants under NEPA, and it does not say that those sections of the bill here that deal with that abatement of rights under NEPA are in any way affected.

What this amendment does is simply say that those other statutes continue as they were in the past to be viable and continue to be the law. Without this amendment, there is an ambiguity in the bill which does make me apprehensive that we may be amending, abating, or otherwise affecting these statutes, in spite of the pronouncements of my good friend, the gentleman from Montana (Mr. MELCHER), that we are not in any way amending or impairing the effectiveness of those statutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offered an amendment.

Mr. Chairman, I have additional amendments at the desk.

The CHAIRMAN. The Chair will inquire of the gentleman from Michigan (Mr. DINGELL) whether or not this amendment was printed in the RECORD.

Mr. DINGELL. Mr. Chairman, I have submitted all the amendments that are at the desk and they are printed in the RECORD under the rule.

The CHAIRMAN. The Clerk will report the amendment.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 20, after line 17, insert the following:

(d) If any area within or without the right-of-way granted under this title is polluted by any operation conducted by or on behalf of the person to whom such right-of-way was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant whatsoever found, approximately resulting therefrom shall be at the expense of such

person, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such person to adequately control and remove such pollutant the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such person, or both, shall have the right to accomplish the control and removal at the expense of such person.

Mr. DINGELL. Mr. Chairman, the function of this amendment is very simple. The committee has sought to impose absolute liability for oil spills and environmental damage resulting from the pipeline. However, even though sections 207 (a), (b), and (c) impose on the holder of the right-of-way this strict liability for damages resulting from the holder's activities at any point along the pipeline and from the discharge of oil from vessels carryng oil which had been transported through the pipeline, these sections do not fully cover the matter of reimbursing the United States for costs incurred by the United States in removing pollutants.

Thus the Water Pollution Control Act, which never envisaged spills from the trans-Alaska pipeline but is nevertheless applicable to the matter of reimbursement for cleanup costs in removing oil spills in Alaska, imposes an $8 million limitation on the liability of an onshore oil facility for the cost of cleaning up its oil spill. This limit could be wholly inadequate to pay for the cost to the United States of removing oil spilled from the pipeline.

The amendment I offer, therefore, would remove the dollar limitation for damages resulting from and for reimbursement of the cost of removal of any spill of oil transported through the trans-Alaska pipeline.

The language of the amendment is drawn from 43 CFR 250.43, the Department of the Interior's regulation governing oil operations on the Outer Continental Shelf, which is not subject to the Federal Water Pollution Control Act.

To recapitulate very briefly, the function is to see to it that we can assess the cost to the Federal Government of cleanup against the individual who has the permit.

Mr. DELLENBACK. Will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Oregon.

Mr. DELLENBACK. As one was deeply involved in the fight to be sure we dealt with the NEPA question—and we lost—I say it is very important that we make strict liability as tight as possible.

This is a good provision in the bill. The question that has been raised by the gentleman from Michigan is to plug a hole he says he finds in it. There is no such provision as this in the Senate bill, and if in a further examination by the conferees they find there to be an error in this, they can always delete it again in conference. If we do not accept it at this time, there will be no way in the conference to plug this sort of gap.

It is very important that strict liability be in force and effect. For that reason I oppose the amendment.

Mr. DINGELL. I thank the gentleman and reiterate that absent the language of this amendment the United States may not be fully compensated for the cost of cleanup. If you want to assess that against the taxpayers, remember that tankers will be carrying the equivalent of 14 *Torey Canyons* and remember what the *Torey Canyon* did and then vote for the amendment.

Mr. MELCHER. Will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. MELCHER. The colloquy between the gentleman from Michigan and the gentleman from Oregon makes sense. I support the amendment.

The question was taken; and on a division (demanded by Mr. DINGELL) there were—ayes 174, noes 2.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, 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. 9130) to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes, pursuant to House Resolution 515, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. SAYLOR

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SAYLOR. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. SAYLOR moves to recommit the bill H.R. 9130 to the Committee on Interior and Insular Affairs.

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. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 356, nays 60, not voting 17, as follows:

[Roll No. 424]

YEAS—356

Abdnor	Eilberg	Madden
Adams	Erlenborn	Madigan
Addabbo	Esch	Mahon
Anderson, Calif.	Eshleman	Mailliard
	Evans, Colo.	Mallary
Anderson, Ill.	Fascell	Mann
Andrews, N.C.	Findley	Maraziti
Andrews, N. Dak.	Flood	Martin, Nebr.
	Flowers	Martin, N.C.
Annunzio	Flynt	Mathias, Calif.
Archer	Foley	Mathis, Ga.
Arends	Ford, Gerald R.	Matsunaga
Armstrong	Ford, William D.	Mayne
Ashbrook		Mazzoli
Bafalis	Forsythe	Meeds
Baker	Fountain	Melcher
Barrett	Frelinghuysen	Metcalfe
Beard	Frenzel	Michel
Bell	Frey	Milford
Bennett	Froehlich	Miller
Bergland	Fulton	Minish
Bevill	Fuqua	Minshall, Ohio
Biaggi	Gaydos	Mitchell, N.Y.
Biester	Gettys	Mizell
Blackburn	Giaimo	Mollohan
Blatnik	Gibbons	Montgomery
Boggs	Gilman	Moorhead, Calif.
Boland	Ginn	
Bolling	Goldwater	Moorhead, Pa.
Bowen	Gonzalez	Morgan
Brasco	Goodling	Mosher
Bray	Grasso	Murphy, Ill.
Breaux	Green, Oreg.	Murphy, N.Y.
Breckinridge	Griffiths	Myers
Brinkley	Gross	Natcher
Brooks	Grover	Nedzi
Broomfield	Gubser	Nelsen
Brotzman	Gunter	Nichols
Brown, Mich.	Guyer	Nix
Brown, Ohio	Haley	O'Hara
Broyhill, N.C.	Hamilton	O'Neill
Broyhill, Va.	Hammer-schmidt	Owens
Buchanan		Parris
Burgener	Hanley	Passman
Burke, Calif.	Hanrahan	Patman
Burke, Fla.	Hansen, Idaho	Pepper
Burleson, Tex.	Hansen, Wash.	Perkins
Burlison, Mo.	Harsha	Pettis
Butler	Harvey	Peyser
Byron	Hastings	Pickle
Camp	Hawkins	Pike
Carey, N.Y.	Hays	Poage
Carney, Ohio	Hébert	Podell
Carter	Heckler, Mass.	Powell, Ohio
Casey, Tex.	Heinz	Preyer
Cederberg	Henderson	Price, Ill.
Chamberlain	Hicks	Price, Tex.
Chappell	Hillis	Pritchard
Chisholm	Hinshaw	Quie
Clancy	Hogan	Quillen
Clark	Holifield	Railsback
Clausen, Don H.	Holt	Randall
	Horton	Rarick
Clawson, Del	Hosmer	Rees
Cleveland	Huber	Regula
Cochran	Hudnut	Rhodes
Collier	Hungate	Rinaldo
Collins, Ill.	Hunt	Roberts
Collins, Tex.	Hutchinson	Robinson, Va.
Conable	Ichord	Robison, N.Y.
Conlan	Johnson, Calif.	Roe
Corman	Johnson, Colo.	Rogers
Coughlin	Johnson, Pa.	Roncalio, Wyo.
Crane	Jones, Ala.	Roncallo, N.Y.
Cronin	Jones, N.C.	Rooney, Pa.
Culver	Jones, Okla.	Rose
Daniel, Dan	Jones, Tenn.	Rostenkowski
Daniel, Robert W., Jr.	Jordan	Roush
	Kazen	Rousselot
Daniels, Dominick V.	Keating	Roy
	Kemp	Runnels
Danielson	Ketchum	Ruppe
Davis, Ga.	Kluczynski	Ruth
Davis, S.C.	Kuykendall	Ryan
Davis, Wis.	Landrum	St Germain
de la Garza	Latta	Sandman
Delaney	Leggett	Sarasin
Dellenback	Lehman	Satterfield
Denholm	Lent	Scherle
Dennis	Litton	Schneebeli
Dent	Long, La.	Sebelius
Derwinski	Lott	Shipley
Devine	Lujan	Shoup
Dickinson	McClory	Shriver
Diggs	McCollister	Shuster
Donohue	McCormack	Sikes
Dorn	McDade	Sisk
Downing	McEwen	Skubitz
Dulski	McFall	Slack
Duncan	McKay	Smith, N.Y.
du Pont	McKinney	Snyder
Edwards, Ala.	McSpadden	Spence

Staggers	Thomson, Wis.	Wilson, Bob
Stanton, J. William	Thone	Wilson, Charles H., Calif.
Stanton, James V.	Thornton	Wilson, Charles, Tex.
Steed	Towell, Nev.	Winn
Steelman	Treen	Wolff
Steiger, Ariz.	Udall	Wright
Steiger, Wis.	Ullman	Wyatt
Stephens	Van Deerlin	Wydler
Stokes	Veysey	Wylie
Stratton	Vigorito	Wyman
Stubblefield	Waggonner	Yatron
Stuckey	Walsh	Young, Alaska
Sullivan	Wampler	Young, Fla.
Symington	Ware	Young, Ill.
Symms	Whalen	Young, S.C.
Talcott	White	Young, Tex.
Taylor, Mo.	Whitehurst	Zablocki
Taylor, N.C.	Whitten	Zion
Teague, Calif.	Widnall	
	Wiggins	
	Williams	

NAYS—60

Abzug	Gude	Rangel
Ashley	Harrington	Reid
Aspin	Hechler, W. Va.	Reuss
Badillo	Helstoski	Riegle
Bingham	Holtzman	Rodino
Brademas	Howard	Rosenthal
Brown, Calif.	Karth	Roybal
Burke, Mass.	Kastenmeier	Sarbanes
Burton	Koch	Saylor
Clay	Kyros	Schroeder
Cohen	Long, Md.	Seiberling
Conte	McCloskey	Stark
Dellums	Macdonald	Steele
Dingell	Mezvinsky	Studds
Drinan	Mink	Thompson, N.J.
Eckhardt	Mitchell, Md.	Vander Jagt
Edwards, Calif.	Moakley	Vanik
Fish	Moss	Waldie
Fraser	Obey	Yates
Green, Pa.	Patten	Young, Ga.

NOT VOTING—17

Alexander	Hanna	Rooney, N.Y.
Conyers	Jarman	Smith, Iowa
Cotter	King	Teague, Tex.
Evins, Tenn.	Landgrebe	Tiernan
Fisher	Mills, Ark.	Zwach
Gray	O'Brien	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Landgrebe.
Mr. Gray with Mr. Tiernan.
Mr. Cotter with Mr. Jarman.
Mr. Fisher with Mr. King.
Mr. Hanna with Mr. Conyers.
Mr. Teague of Texas with Mr. Smith of Iowa.
Mr. Evins of Tennessee with Mr. O'Brien.
Mr. Alexander with Mr. Zwach.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MELCHER. Mr. Speaker, pursuant to the provisions of House Resolution 515, I call up from the Speaker's table the Senate bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. MELCHER

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

The Clerk read as follows:

Mr. MELCHER moves to strike out all after the enacting clause of S. 1081 and to insert in lieu thereof the provisions of H.R. 9130, as passed, as follows:

TITLE I

SECTION 1. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended by striking out the following: ", to the extent of the ground occupied by the said pipeline and twenty-five feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon," and by inserting in lieu thereof the following: ": *Provided*, That—

"(a) the width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary finds, and records the reasons for his finding, that in limited areas a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way;

"(b) a right-of-way may be supplemented by such temporary permits for the use of public lands in the vicinity of the pipeline as the Secretary finds are necessary in connection with construction, operation, maintenance, modification, repair, or termination of the pipeline, or to protect the natural environment or public safety;

"(c) rights-of-way and permits shall be subject to such terms and conditions as the Secretary shall prescribe regarding duration, survey, location, construction, operation, maintenance, use, and termination; the Secretary shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline; and the Secretary shall also comply with section 102 of the National Environmental Policy Act (83 Stat. 853; 42 U.S.C. 4332), and impose requirements that will prevent to the extent practical any adverse environmental impact, including but not limited to requirements for restoration, revegetation, and curtailment of erosion of the surface of the land, and for protection of fish and wildlife and their habitat; and the Secretary shall report to the House and Senate Committees on Interior and Insular Affairs annually on the safety and environmental requirements imposed pursuant to this subsection;

"(d) permits and rights-of-way shall be limited to the shortest term practical;

"(e) in order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, each oil or gas right-of-way or permit issued pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185) shall reserve to the Secretary the right to grant additional rights-of-way or permits for compatible uses on or adjacent to the aforementioned oil or gas right-of-way under the same terms and conditions as prescribed in subsection (c);

"(f) the applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the grantee of a right-of-way or permit or the user thereof shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary;

"(g) the Secretary shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period;

"(h) the Secretary, by regulation, shall establish procedures, including public hearings, where appropriate, to give Federal, State, and local government agencies and the public adequate notice and opportunity to comment upon right-of-way applications filed after the date this subsection becomes effective;

"(i) such rights-of-way shall contain.".

SEC. 2. Section 28 of the Mineral Leasing Act of 1920 is further amended by striking out ": Provided further, That no" and inserting "; (j) no".

SEC. 3. Section 28 of the Mineral Leasing Act is further amended by inserting after the words "common carriers" the additional words "for oil and gas produced on non-Federal lands and shall accept, convey, transport, or purchase without discrimination oil or gas delivered to the line".

SEC. 4. (a) Pipelines on public lands subject to this Act are subject to the provisions of the Gas Pipeline Safety Act of 1968.

(b) Quarterly, the Secretary of the Interior shall cause the examination of all pipelines and associated facilities on public lands and shall cause the prompt reporting of all leaks or potential leaks on such lands.

(c) The Secretary of the Interior shall report annually to the President, the Congress, the Secretary of Transportation and the Interstate Commerce Commission any potential dangers of or actual explosions or potential or actual spillage on public lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

TITLE II

SEC. 201. This title may be cited as the "Trans-Alaskan Pipeline Authorization Act".

SEC. 202. The Congress finds and declares that—

(a) The early delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest.

(b) Transportation of oil by pipeline from the North Slope to Valdez, and by tanker from Valdez to domestic markets, will best serve the immediate national interest.

(c) A supplemental pipeline to connect the North Slope with a trans-Canadian pipeline may be needed later, and it should be studied now, but it should not be regarded as a substitute for a trans-Alaskan pipeline that does not traverse a foreign country.

(d) The actions of the Secretary of the Interior heretofore taken with respect to the proposed trans-Alaskan oil pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969.

SEC. 203. (a) The Secretary of the Interior is hereby authorized and directed to grant, in accordance with the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act, but without the notice required by subsection 28(g), and without further action under the National Environmental Policy Act of 1969, notwithstanding the compliance requirement of subsection 28(c), and notwithstanding the provisions of any law other than said section 28 and this title II, such rights-of-way and permits as he finds necessary for the con-

struction, operation, and maintenance of a trans-Alaskan oil pipeline.

(b) The route of the trans-Alaskan oil pipeline shall follow generally the route described in applications pending before the Secretary of the Interior on the date of this Act, except as this may be modified by the Secretary of the Interior or his designated representative to provide during construction greater environmental protection.

(c) The Secretary shall include in rights-of-way and permits granted pursuant to this title II terms and conditions that will in his judgment mitigate any adverse environmental impact. In such rights-of-way and permits, the Secretary shall also include terms and conditions providing for—

(1) liability on the part of the permittee or grantee to any Alaskan Native or Native organization for injuries or damages sustained, arising from or growing out of any activity conducted by the holder of such rights-of-way or permits without regard to—

(A) whether the injury or damage complained of is due to negligence on the part of such holder; or

(B) ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by such Alaska Native or Native organization for subsistence or economic purposes;

(2) determination of claims for injury or damages by such Alaska Native or Native organization by arbitration or judicial proceedings; and

(3) the provision, upon order of the Secretary or his delegate, by the holder of such rights-of-way or permits, of emergency subsistence and other aid to an affected Alaska Native or Native organization pending expeditious filing of, and determination of, a claim.

Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of the preceding sentence but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that sentence with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, care, maintenance, or operation of facilities, or in other activities, under rights-of-way or permits issued to the State.

(d) No rights-of-way or permit which may be granted by the Secretary of the Interior under this title II, and no permit or other form of authorization which may be granted by any other Federal agency with respect to construction of the trans-Alaskan oil pipeline, and no public land order or other Federal authorization with respect to the construction of a public highway between the south bank of the Yukon River and Prudhoe Bay and generally parallel to the pipeline shall be subject to judicial review on the basis of the National Environmental Policy Act of 1969.

(e) The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under this title. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

(f) Notwithstanding any other provisions of law, any action or proceeding, other than an action or proceeding brought by the United States, involving any right-of-way, permit, or other form of authorization granted with respect to the construction of the trans-Alaskan pipeline, to which the United States, any department, agency, or instrumentality of the United States, or any officer or employee of the United States, is a party, and which is not barred by subsection (d), shall be brought and heard only according to the provisions of this subsection. Any such action or proceeding shall be commenced within sixty days following the date of such a right-of-way, permit, or other form of authorization is issued and shall be brought in a United States district court, which shall have exclusive jurisdiction to hear such action or proceeding. Such an action or proceeding shall be heard by a three-judge district court appointed in the same manner as a three-judge district court appointed under section 2284 of title 28 of the United States Code. Any such action or proceeding shall be assigned for hearing at the earliest practicable date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such three-judge district court. Any review of an interlocutory or final judgment, decree, or order of such three-judge district court by any party to such action or proceeding may be had only upon direct appeal to the Supreme Court of the United States.

(g) Notwithstanding the provisions of subparagraph (e) of this section the Secretary of Labor shall be prohibited from issuing any short-term labor clearances to foreign nationals for construction, operation and maintenance of the trans-Alaskan pipeline when unemployment in the United States is 4.5 percent or above unless unemployed persons capable of performing such labor cannot be found in this country.

SEC. 204. A right-of-way or permit granted under this title II for a road or airport as a related facility of the trans-Alaskan pipeline may provide for the construction of a public road or airport.

SEC. 205. The grant of a right-of-way or permit pursuant to this title II shall grant no immunity from the operation of the Federal antitrust laws.

SEC. 206. Any crude oil transported over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920 shall be subject to all of the limitations and licensing requirements, and penalty and enforcement provisions, of the Export Administration Act of 1969 (Act of December 30, 1960; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements of the Export Administration Act of 1969 the President must make and publish an express finding that such exports are in the national interest: *Provided*, That no exports of crude oil subject to this section shall be made unless and until Congress adopts a concurrent resolution stating its agreement with the President's finding concerning the national interest.

SEC. 207. (a) Except when the holder of a permit or right-of-way granted pursuant to this title can prove that damages caused by the holder's activities conducted at any point along the route of the proposed trans-Alaskan pipeline were caused by an act of war or by negligence of the United States or other government, such holder shall be strictly liable to all damaged parties, including but not limited to private persons, Alaskan Natives, Native organizations, and Federal and State governments, without regard to fault for such damages.

(b)(1) The Secretary shall direct as a term or condition of any permit or right-of-way issued pursuant to this title that, except when the holder of such permit or right-of-way can prove that damages resulting from discharges of oil in violation of section 11 (b)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1161(b)(2)) were caused by an act of war or by negligence of the United States or other government such holder shall be strictly liable without regard to fault to all parties, including, but not limited to private persons and the Federal and State governments, for all damages resulting from such discharges of oil from, or involving vessels owned, chartered, operated, or leased by or for such holder, affiliate of such holder, shareholder, partner, or other constituent part of the holder, or affiliate of such shareholder, partner, or other constituent part of the holder, where the cargo of such vessel is oil transported by the proposed trans-Alaskan pipeline. Any action taken pursuant to this section shall be brought in the appropriate United States district court.

(2) For the purposes of this subsection, the term "affiliate" includes—

(A) any person or corporation owned or controlled by the permit holder or by a shareholder, partner, or other constituent part of the permit holder; or

(B) any person or corporation which owns a substantial interest in or controls the permit holder by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) any person or corporation which is under common ownership or control with the permit holder.

(c) The Secretary is directed to require from the holder a bond that shall at all times be maintained and in force and effect in the full principal amount during construction, operation, and termination of the proposed trans-Alaskan pipeline. The amount of said bond shall be adequate to insure the payment of any final judgment recovered against the holder for loss or damage in actions arising under this section.

(d) If any area within or without the right-of-way granted under this title is polluted by any operation conducted by or on behalf of the person to whom such right-of-way was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant whatsoever found, proximately resulting therefrom shall be at the expense of such person, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such person to adequately control and remove such pollutant the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such person, or both, shall have the right to accomplish the control and removal at the expense of such person.

SEC. 208. (a) The Secretary of the Interior is directed to report at least semiannually to the House and Senate Committees on Interior and Insular Affairs on the progress of construction of the proposed trans-Alaskan pipeline and related facilities and on the implementation of environmental stipulations attached to any permits or rights-of-way of the proposed trans-Alaskan pipeline. The first report shall be made no later than six months from the date of any permit or right-of-way granted pursuant to this title. Further reports shall be made at no greater than six-month intervals from the last prior report made.

(b) The Secretary shall issue a cease-and-desist order to halt construction of the proposed trans-Alaskan pipeline and related facilities at any time whenever he finds that the stipulations attached to permit or rights-of-way issued pursuant to this title are not being implemented or that significant damage to the environment, unforeseen at the time at which permits or rights-of-way were

issued for the proposed trans-Alaskan pipeline, may occur if construction is not halted.

SEC. 209. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets. The cost of making the investigation shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the Congress periodic reports of his investigation, and the final report of the Secretary shall be submitted to the Congress within two years from the date of this Act.

(b) The President is authorized and requested to enter into negotiations with the Government of Canada to determine (1) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory for the transport of oil and gas from Alaska's North Slope to markets in the United States, and (2) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional oil export commitments from the Government of Canada that would make unnecessary the shipment of oil from the Alaskan pipeline by tanker into the Puget Sound area. The President shall report to the Congress the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

(c) Nothing in this section shall limit the authority of the Secretary of the Interior, or any other Federal official, to grant a gas pipeline right-of-way or permit which he is otherwise authorized by law to grant.

SEC. 210. The words "trans-Alaskan pipeline", wherever used in this title, mean that pipeline system, including related facilities, described in the "Final Environmental Impact Statement, Proposed Trans-Alaskan Pipeline."

SEC. 211. If any provision of this title or title I of this Act or the applicability thereof is held invalid the remainder of such title shall not be affected thereby.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read as follows:

To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 9130) was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had proceeded to reconsider the bill (S. 504) entitled "An act to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions," 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 agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7935) entitled "An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes."

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

H.R. 5777. An act to require that reproductions and imitations of coins and political items be marked as copies or with the date of manufacture.

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

S. 2058. An act to amend the Securities Exchange Act of 1934 to provide for the regulation of clearing agencies and transfer agents, and for other purposes.

CONGRATULATIONS TO THE GENTLEMAN FROM MONTANA, MR. MELCHER

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

Mr. RONCALIO of Wyoming. Mr. Speaker, we have seen tonight a very historic event. That event in the House of Representatives has been historic in that we have seen for the first time this legislation handled by the very able gentleman from Montana (Mr. MELCHER) from the Committee on Interior and Insular Affairs. In this 93d Congress, this able young gentleman who joined the committee as a freshman brought with him the ability and the experience to do the job. This is the gentleman's first assignment as chairman of the Subcommittee on Public Lands.

Mr. Speaker, he has done a very commendable job, and I am sure he has won the approval of the House for his legislative generalship on the legislation we have seen passed today.

A JOB WELL DONE

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

Mr. GERALD R. FORD. Mr. Speaker, I would like to join with the gentleman from Wyoming (Mr. RONCALIO) in commending the gentleman from Montana (Mr. MELCHER). I would also like to make mention of the fine job done by the gentleman from Arizona (Mr. STEIGER), as well as the outstanding job done by the gentleman from Alaska (Mr. YOUNG).

COMMUNICATION FROM THE SECRETARY OF THE SENATE OF THE UNITED STATES

The SPEAKER laid before the House the following communication from the Secretary of the Senate of the United States:

The Senate having proceeded to reconsider the bill (S. 504) entitled "An Act to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions", 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.

EMERGENCY MEDICAL SERVICES SYSTEMS ACT OF 1973—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 returning today without my approval S. 504, the "Emergency Medical Services Systems Act of 1973."

At my direction, this Administration has been engaged for the past two years in an effort to demonstrate the effectiveness of various types of emergency medical services which can be utilized by local communities. Some $8 million was budgeted for this purpose last fiscal year, and $15 million should be spent in the current fiscal year. I strongly believe the Federal role should be limited to such a demonstration effort, leaving States and communities free to establish the full range of emergency medical services systems that best suit their varying local needs.

By contrast, S. 504 would establish a new Federal grant program which would provide Federal dollars to State and local governments for emergency medical services. The program would be a narrow, categorical one, thrusting the Federal Government into an area which is traditionally a concern of State and local governments and should remain under their jurisdiction.

Instead of providing flexibility for local decisionmaking, a new Federal categorical program of this sort would encourage State and local governments to commit limited funds to federally-defined objectives when their funds might otherwise be spent for local purposes of higher priority.

The bill would authorize appropriations of $185 million for this program over the next three years. This is far in excess of the amounts that can be prudently spent, and S. 504 therefore represents a promise of Federal financial assistance that cannot be kept. I believe all of us must avoid actions of this kind which tend to mislead and therefore disappoint the public.

My second objection to this bill is that it requires the continued operation of the inpatient facilities of the eight general hospitals presently maintained by the Public Health Service. These hospitals have a record of service to this Nation, and especially to its merchant seamen, which is long and distinguished. Nevertheless, it is clear that their inpatient facilities have now outlived their usefulness to the Federal Government. The number of individuals they serve is declining and many of the facilities have become old and outmoded.

Accordingly, the Department of Health, Education and Welfare has embarked upon a program of contracting with community hospitals for the care of those now served by Public Health Service hospitals. The patients now cared for in Public Health Service hospitals are entitled to receive the best medical treatment available. The fact is that many of our community hospitals are more modern, better equipped and more conveniently located than the Public Health facilities and thus would provide better medical care. I cannot agree to legislation that would deny these patients that opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *August 1, 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?

MOTION OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Mr. STAGGERS moves to postpone consideration of the veto message on the bill S. 504, the Emergency Medical Services System Act of 1972, until September 12, 1973.

Mr. STAGGERS. Mr. Speaker, and Members of the House, on Wednesday President Nixon vetoed the bill, S. 504, the Emergency Medical Services Systems Act of 1973. This is an unfortunate veto of one of our most important pieces of health legislation. It originally passed the House, 306–111, and the Senate, 97–0. This bill has two purposes: the improvement of services for medical emergencies throughout this Nation, and the preservation of our system of hospitals for taking care of merchant seamen.

Of all the many things which people say are wrong with medical care in this country today, the delivery of medical care in medical emergencies is one of the most profoundly deficient. Every day hundreds of Americans die needlessly because they do not receive the best care possible in emergencies. Our committee has heard testimony that optimum care would save the lives of 27,000 victims of heart attacks, 11,000 victims of automobile accidents, thousands of victims of poisonings, drownings, strokes, and other diseases. It has been estimated that preventing these deaths would save this Nation the phenomenal amount of $28 billion a year. The President himself has claimed in his most recent health message to the Congress that improving care for the victims of such emergencies is one of his highest priorities. Now he is advised to veto this bill.

This is good legislation which the House and the Senate have carefully polished over many months. It is supported by every witness and professional organization that I know of, including the American Medical Association. In fact the AMA bill would have authorized $630 millions. The present administration, despite its priority, would appear to be the only exception.

The costs are modest, a total of $185 million in the next 3 years. I would ask the Members to compare this modest amount to the savings of $28 billion which could be achieved, or to compare it to the $780 million cost of one military fighter plane. I hope that we can afford a modest investment in saving American lives.

The veto message claims that this legislation would be an unreasonable Federal intrusion into a State and local responsibility. The legislation would require no State or local government to receive Federal assistance if they did not choose to. It would require any recipient of Federal assistance to match the Federal dollars with their own dollars. I simply do not understand the argument that this is an inappropriate Federal activity.

With regard to the Public Health Service Hospitals, we have had a Federal responsibility for providing adequate medical care to merchant seamen since 1798. At one time the U.S. Public Health Service's hospitals and clinics in which this care was given were among the finest in the land. The veto message says that these hospitals have deteriorated. This is true for some but not all of them. But they have deteriorated because the Department of Health, Education, and Welfare has in recent years been unwilling to fulfill the obligation which it has had since the founding of this Republic.

We might be responsive to the administration's desires to close these hospitals if they had ever given us a detailed description of a satisfactory alternative. But they have not despite the requirements of Public Law 92–585 passed at the end of the last Congress. Until they do, these hospitals must remain open and should, in fact, again become examples of the finest medical care possible in the world.

I have asked that the House delay consideration of this veto message until after the recess. I do this so that each and every Member can return to his district and ask his constituents whether or not there is any need to improve emergency medical care in his district and whether or not modest Federal financial assistance would be helpful. I am confident that every Member will find this to be the case. I am confident that upon returning from the recess the House will vote to override this unfortunate veto as the Senate has already done—by vote of 77 to 16. In fact, I would hope, that as an indication of our commitment to our people, the vote will be unanimous.

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

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL AUGUST 10, 1973, TO FILE A REPORT ON H.R. 7974, THE HEALTH MAINTENANCE ORGANIZATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until August 10, 1973, to file a report on H.R. 7974, the Health Maintenance Organization Act of 1973.

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

There was no objection.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I have taken this time to announce the schedule for tomorrow.

Mr. Speaker, at the conclusion of all business today—and there is no business left except unanimous-consent requests—I will ask unanimous consent that when the House adjourns tonight it adjourn to meet at 11 o'clock tomorrow morning.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman from Massachusetts please reserve that request until the gentleman announces the program so that we can see what we are looking at?

Mr. O'NEILL. I will be glad to do so. And I withdraw my unanimous-consent request at this time.

The SPEAKER. The gentleman from Massachusetts withdraws his unanimous-consent request.

Mr. O'NEILL. Mr. Speaker, the program for tomorrow is as follows:

First. S. 1636, International Economic Policy Council conference report;

Second. S. 1264, Eisenhower College and Rayburn Library grants, with an open rule and 1 hour of debate;

Third. S. 502, Federal Aid to Highways Act conference report;

Fourth. H.R. 7935. Fair Labor Standards Act amendments conference report; that is the minimum wage;

Fifth. S. 1888, Agricultural Act amendments conference report;

Sixth. H.R. 6370, interest rates on deposits and share accounts, conference report;

Seventh. H.R. 8510, National Science Foundation conference report;

Eighth. H.R. 8658. District of Columbia Appropriations conference report; and

Ninth. H.R. 8760, Department of Transportation appropriations conference report.

Mr. Speaker, of the nine items that I have listed, eight of these are conference reports.

ADJOURNMENT TO 11 O'CLOCK 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.

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

There was no objection.

THE SISTER-CITY PROGRAM

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

Mr. PEPPER. Mr. Speaker, I am very proud, at a time when so many people are worrying about a "new isolationism" among Americans, to be able to bring to the attention of our colleagues, and to all who read this RECORD, the splendid example of internationalism of a group of my fellow citizens in my congressional district who have been actively and personally engaged in strengthening the ties of friendship and understanding with the people of the capital city of one of our Western Hemisphere sister republics.

For many years the people and the municipal officials of the city of Hialeah, Fla., have been devoting themselves to the establishment of a sister-city relationship with the people and officials of Managua, Nicaragua. But that developing relationship really flowered when Managua was struck late last year by a devastating earthquake.

That holocaust took many thousands of lives and left virtually the entire population of the city homeless and in need of emergency food and medical attention. Many people throughout our country were stirred to offer assistance in this disaster, but none responded more quickly or with greater dedication than did the people of Hialeah.

Through their Hialeah-Managua Sister City Committee they mobilized their own resources to assist the victims of the earthquake and called upon other agencies and communities to help in meeting specific needs which the Sister-City Committee had identified.

I am very pleased to have in the galleries today the two men most responsible for the success of the Hialeah-Managua Sister City Committee, the current president Mr. Raymond R. Schultz and the immediate past president Mr. Phillip J. Donohue. Under their leadership and with the full support of Hialeah's distinguished Mayor Henry Milander, they have done a magnificent job for all of us in the best people-to-people tradition of American internationalism.

Since massive earthquakes leveled the city on December 23 of last year, the citizens of Hialeah have been responsible for the shipment of more than 700,000 pounds of supplies, valued at over $8 million, to the people of their sister city of Managua. These supplies have included over 230,000 pounds of canned meats, antibiotics, ambulances, and other medical supplies, and even 10,000 can openers collected by the school children and girl and boy scouts of Hialeah and its adjoining communities.

Hialeah's response to Managua's urgent need began within a few hours after the earthquakes struck. Medical supplies donated by local hospitals were on their way the same day and leaders of the sister city program began contacting relief sources throughout the country to provide massive quantities of emergency medical and food supplies.

The help is still continuing. Since the schoolchildren of Managua still have not been able to return to school, the sister city committee has been obtaining sports and playground equipment for them. A third truckload of equipment is now ready for shipment to Managua.

As you may know, Mr. Speaker, the sister city program now involves 430 U.S. cities in continuing relationships with more than 530 cities in 65 other countries. They are seeking to strengthen cultural, educational, professional and youth exchange ties between the peoples of these cities and countries under the auspices of the Town Affiliation Association. The association is a private, nonprofit organization but its good work is recognized and supported by the Bureau of Education and Cultural Affairs of our State Department.

I wish to commend the Town Affiliation Association for its continuing support of this marvelous program and to express my pride in the fact that the Hialeah-Managua Sister City Committee has been chosen as the outstanding sister city committee in the Nation this year. The award for the best overall project from the Reader's Digest Foundation will be presented at the association's annual conference next month.

It is with great pride, Mr. Speaker, that I commend the Hialeah-Managua sister city program, the city of Hialeah, and the people of that great city for their splendid devotion to the cause of great understanding and friendship among the people of the world. This is a great example of people-to-people friendship.

I think it would be appropriate to include in this RECORD a report of the Hialeah-Managua Sister City Committee dated February 9, 1973, which details the progress of the Managua relief program through that date. I also wish to include the official proclamation of the Mayor of Hialeah honoring the work of the committee on Sister City Cooperation Day last May. In addition I request permission to include several reports of the Hialeah effort which were reported in the official newsletter of the Town Affiliation Association and a question and answer presentation of the facts about the sister cities program which might be of interest to other cities and towns throughout the country who might join this outstanding people-to-people program.

The articles follows:

SISTER CITY COMMITTEE REPORT

Before the news of the Managua earthquake was broadcast by local media, Sister City Committee President Raymond R. Schultz and immediate past President Philip J. Donohue were notified of the seriousness of the earthquake and immediately began taking steps to communicate the news to city officials, medical authorities, transportation agents, and various relief agencies throughout the U.S. As the news of the earthquake was broadcast in the South Florida area, Hialeah Mayor Henry Milander was reported in his request to begin collections of surplus food and clothing throughout the city with the city's four fire stations serving as collection points. Mayor Milander called upon the officials of surrounding communities (Greater Miami) to undertake similar projects. This was done without hesitancy.

The Sister City Committee began making arrangements for a team of medical doctors to be flown immediately to Managua via Lanica Airlines, a Nicaraguan airline serving Miami. The medical team and the first shipment of food and clothing donated by the Sister City Committee were flown to Managua, the evening of the day of the earthquake, December 23rd. Medical supplies donated by local hospitals were also flown into Managua December 23rd and December 24th. City officials working with the Sister City Committee made arrangements for an expert Hialeah Fire Department Paramedic team to be flown to Managua, if necessary. Also readied was a comprehensive drive for blood donations, if necessary.

On Christmas Day, a shipment of 200,000 units of penicillin was flown to Managua through the efforts of the Sister City Committee. This was arranged through the International Christian Relief of Collingwood, N.J. and involved Dr. Mary Park of Merrit Island, Florida, the Kennedy Space Center, and Radio Station WFAB which helped with the air transportation. This Spanish radio station conducted a full-scale relief effort, collected food and clothing, in cooperation with the Sister City Committee.

The Sister City Committee was responsible for pinpointing, through Nicaraguan officials, the exact needs of the victims of the earthquake. Committee officers made various inspection trips to Managua to consult with Commanding General A. Somoza and other officials. Committee officers also served as a clearing house for inquiries from relatives of Managuan residents who sought information regarding their welfare.

Working in cooperation with Lanica Airlines, the U.S. Air Force, and the Board of International Trade, the Sister City Committee was directly responsible for obtaining more than $6 million worth of medical and food supplies for relief of earthquake survivors. This included more than 230,000 pounds of badly-needed canned meats in tab-top cans which was transported from the Christian World Reform Relief Committee in Wheaton, Ill. via five semi-trailer trucks to Miami and then flown by giant Air Force cargo planes to Managua. Also included in the aid was a $3 million-plus donation of milk nutrient supplement for the children of Managua. This was shipped directly from Houston, Texas with the aid of Mayor Louie Welch and was arranged by the International Christian Relief. Other items included a shipment of 480,000 tablets of antibiotics, 2,000 pounds of flour from a local restaurant, 50 packages of immunization shots and more than 10,000 can openers, a sorely-needed implement which were collected on a door to door basis by the school children, girl scouts and boy scouts of Hialeah and the nearby communities of Miami Springs and Miami Lakes. Other food supplies were arranged through the efforts of Food for Hungry in Los Angeles, California. Volunteering their services in many ways were REA Express, Alfa Aero-Freight and S. Malatesta and Sons.

By way of coordination, the Committee began to receive through Nicaraguan officials what items were most critically needed and then arrange for their donation if possible. Since the hospitals were wiped out by the earthquake which killed more than 4,000 and

injured more than 20,000 residents, the committee arranged for a donation of a surplus ambulance which was refurbished and tested by the City of Hialeah Maintenance Department.

Another function of the Committee was to insure proper identification of the items from the United States before they were flown to Nicaragua. This emphasized to the people of Managua that the Sister City program was a very real program meeting real needs and in the words of General Somoza, "We are especially indebted to our Sister City Hialeah, Florida, for their immediate and sustained support which has been magnificent."

Hialeah Mayor Henry Milander officially proclaimed a "Day of Mourning" for baseball star Roberto Clemente who died in a plane crash while going to the aid of the survivors of the earthquake.

Donations of money collected door to door by children through churches, schools, racetracks, civic organizations, fraternal organizations, etc., were being funnelled through the Sister City Committee with the funds being turned into necessary foodstuffs and medical supplies immediately.

DONATIONS

168,000 Penicillin Tablets.
600,000 Influenza Vaccines.
2,000 Pounds of Flour.
254,000 Vitamin Tablets.
Gamma Globulin ($100,000).
255,000 Pounds of Carnation Canned Spreadable Meats.
480,000 Maiozon Tablets.
30,000 Pairs of Eye Glasses w/Cases.
6 Transceivers.
70,000 Pounds of Baby Formula.
24,000 Pounds Instant Breakfast.
Approximately 150,000 Pounds Food From the People of Hialeah.
15,000 Pounds Miscellaneous Medical Supplies.

Hialeah Hospital

180 Rolls 2-inch Gauze.
180 Rolls 3-inch Gauze.
2,000 Tongue Depressors.
1,200 Vitamin C Tablets (500 mg each).
1,000 Tablets Meprobamate (400 mg each).
6 Dozen 4-inch Elastic Bandages.
4 Dozen 6-inch Elastic Bandages.

Coordinated

City Resolution requesting the President and all Government Agencies to assist Managua.

Food and clothing pick-up for all Dade County Fire Departments and Hialeah Fire Departments.

U.S.A.F.

C-5A Aircraft and 3 C141 Aircraft.
70,000 lbs. Carnation Can Meat.
3,000 lbs. Cocoa Mix.
25,565 lbs. Creola Sauce.
49,000 lbs. Shape Metrical Powder.
2,750 lbs. Polio Vaccine.
$1,000.00 Medical Supplies Miami-Dade.
2 Ambulances.
1,000 lbs. Rat Poison.
400 dz. Toys.

CITY OF HIALEAH, FLA.—PROCLAMATIONS

Whereas, the Sister City Committee of Hialeah and Managua, Nicaragua has truly exhibited the ultimate in humanitarian qualities in behalf of the many victims of disasters in Managua, and

Whereas, the Sister City Committee has been nationally recognized for its tremendous efforts in behalf of the citizens of Managua and Nicaragua, and

Whereas, the members of the Sister City Committee have donated countless hours, energies and talents in securing and coordinating the shipment of more than $8 million in aid to the earthquake victims of Managua.

Now, therefore, I, Henry Milander, Mayor of the City of Hialeah, do hereby declare Sunday, May 6, 1973, be proclaimed as Sister City Cooperation Day in Hialeah in observing and commending the wonderful work of the Sister City Committee and urge the residents of Hialeah to continue the extensive cooperation with the Sister City Committee and its members.

HIALEAH RUSHES AID TO STRICKEN "SISTER"

Aid for Nicaraguan earthquake victims is pouring into Managua's Sister City of Hialeah, Florida from all points in the nation and from people from all walks of life, both young and old.

Within three hours after the last large shock battered Managua, Hialeah Mayor Henry Milander made a public appeal to the citizens of Hialeah for surplus food and clothing and ordered the city's fire stations to begin collections.

The first Lanica Airline flight to Managua the evening of the earthquake included a large shipment from the Hialeah-Managua Sister City Committee and included canned goods and clothing which had been collected in Hialeah schools at Thanksgiving time.

The Sister City Committee has been coordinating all Managua relief efforts in South Florida with newly-elected president Raymond R. Schultz and immediate past president Philip J. Donohue coordinating.

Following the initial plea by Mayor Milander for aid to the earthquake survivors, five semi-trailers of food and clothing have been dispatched to the Lanica Air Cargo Terminal at Miami International Airport. Joining in with Hialeah in making collections have been the nearby cities of Miami Springs, Miami, Miami Beach, Coral Gables, and the Metropolitan Government of Dade County.

Canned goods, which have become a critical item because of the nature of the disaster, are on their way to Miami for flight to Managua from all points in the United States—Chicago, New Orleans, Los Angeles, San Antonio, etc.

The Chicago shipments of 200,000 pounds of tab-top canned meats were made possible by the Christian World Reform Relief Committee of Carol Stream, Illinois.

The plea went out for scarce Immune Serum Globulin to prevent disease in Managua. The Sister City Committee obtained this serum from Parke Davis and it was flown to Managua within 15 hours after the request.

Cash donations and clothing have been received from all points in Florida. School children in Hialeah and nearby communities have gone door to door collecting funds and the scarce, non-electric can openers which the Nicaraguans need for the canned goods.

Committee members made appearances on radio and television and received full cooperation from the press in making pleas for aid.

A local restaurant donated 2,000 pounds of flour for the victims through the efforts of Hialeah Councilman Jack Cherry, who was instrumental in 1963 in launching the Sister City program.

"The transportation problem is beyond the imagination," said Schultz, "but we are licking it with the help of airlines, private flying services, local express trucking companies such as REA and from the Board of International Trade."

Financial donations have been rolling in and Nicaraguan Consul General Luis de Bayle has asked the Sister City Committee to coordinate the administration of the funds.

A local radio station WFAB, operated by Cuban refugees, has devoted its entire staff and programming to raising food, clothing, and funds for the Hialeah Sister City Committee.

The Flagler Kennel Club donated the proceeds of its last evening of races to the relief effort.

One of the greatest problems in the relief drive was the matter of communications and making sure the right information was made available to the public.

Often, other agencies were 12 hours behind in their information while the local committee had first-hand knowledge from Nicaragua. This meant in some cases that conflicting reports were dispatched regarding the needs and situation in Managua.

Recognition of Hialeah's efforts was immediate with General Somoza writing personally to Mayor Milander saying "we are especially indebted to our Sister City Hialeah, Florida for their immediate and instant support which has been magnificent."

ROBERTO CLEMENTE SISTER CITY AWARD SET

A racetrack owner, Hialeah Hospital and hundreds of contributors joined with the Hialeah-Managua Sister City Committee recently to purchase two ambulances for the Central American city which has been without ambulance service since the recent disastrous earthquake.

John W. Galbreath, president of Hialeah Park and the baseball Pittsburgh Pirates, told Mayor Henry Milander that he would donate in his family name $3,000 toward the purchase of one of two ambulances which are being traded in for new ones by Randle-Eastern through Byerly Superior Coach Sales, Inc., of Clearwater.

Galbreath made the donation while making another type of donation—one of six remaining bats used by the late star Roberto Clemente, who was killed December 31, 1972, while flying to the aid of Hialeah's Sister City. The bat will be used as part of a trophy to be awarded annually by the Sister City Committee to the person who "best exhibits the humanitarian qualities of Roberto Clemente."

Hialeah Hospital has underwritten the cost of the second ambulance for which donations are being sought through a civic effort headed by a group of Latin builders.

"We hope to have these ambulances in Managua as soon as possible, by the middle of March," reported Milander, who said his city's Maintenance Department would refurbish the ambulances and paint them with proper identification. All of the existing emergency vehicles had been destroyed in the earthquake.

Hialeah Hospital has also offered to train the necessary paramedic personnel to man the ambulances in Managua. This is the same type training given by the hospital in training rescue service men of the Hialeah and Miami Springs Fire Departments.

The ambulances are the latest in massive aid arranged by the Hialeah Sister City Committee which recently went over the six million dollar level in total aid rendered in the form of food and medical supplies. (Ed. Note: See story "Hialeah Rushes Aid to Stricken Sister" in the January-February issue of TA News.)

SISTER CITIES INTERNATIONAL

YOUR COMMUNITY IN WORLD AFFAIRS

The Town Affiliation or Sister City program encourages international friendship through contacts between the people of one country and another by formal association of their cities, towns or villages. These contacts help to further international understanding at all levels of the community on a continuing long-term basis. Within this program cities and their citizens exchange things, ideas and people in a wide variety of cultural, youth, educational, municipal, professional and technical projects.

The Sister City program as a national concept was launched at the White House in 1956 when the President of the United States, Dwight D. Eisenhower, called for massive exchanges between Americans and

the peoples of other lands. Hundreds of U.S. cities responded and have established two-way relationships with cities in over 60 other nations and are working together to help build a more peaceful world.

The Sister City program is unique. It is a two-way program. The give and take is shared by both communities. It provides a program of planned and continuous contact between the cities involved and their citizens. It brings together both municipal and voluntary community resources and offers a mechanism for individuals and organizations to be involved in the rewarding field of international relations.

The Town Affiliation Association is the national organization of Sister Cities in the United States and serves as a center to assist U.S. cities, towns and villages in entering this rewarding program. This pamphlet will tell you how.

WHAT IS A TOWN AFFILIATION?

When an American community of whatever size or character joins with a community in another nation to learn more about each other and to develop friendly and meaningful exchanges, the two may propose a formal affiliation. The ideal affiliation involves a large number of citizens and organizations in both communities to engage in continuing projects of mutual interests.

WHY HAVE A TOWN AFFILIATION?

A Town Affiliation helps the citizens of U.S. cities become directly and personally involved in international relations and thereby it enables Americans to:

1. Exchange ideas with cities and citizens of other cultures;
2. Help bring about peace through a better understanding of the world today;
3. Develop a better knowledge of the role of cities and their citizens in today's rapidly changing world.

A Town Affiliation gives your community the opportunity to strengthen international understanding by taking an active role in world affairs.

WHO TAKES PART?

A well organized Affiliation committee represents a true cross section of your community, such as: education, cultural, technical, business, professional, social, women's clubs, civic, service, veteran, labor, religious, youth, hobby groups, newspapers, radio and television. This is a good time to take stock of your city and what makes it unique.

WHAT TO DO FIRST?

If you belong to any of the above organizations, you might first discuss the affiliation idea with your own group. Are they interested? Would they be willing to take part? If so, your organization can call on the Mayor of your town or city to explain your interest and desire to explore further the idea of a town affiliation for your community. The Mayor is usually consulted at this time so that other interested individuals and organizations may have a central meeting point.

THE ROLE OF THE CITY

In order for a well planned affiliation to function properly, recognition by the city is essential. This is, after all, a program involving the city and without endorsement by the local mayor and council, the overseas city is more than likely to turn down your affiliation proposal. In many countries, cities are allowed to expend municipal funds for international activities. A good program includes the city government in all phases of its planning and incorporates activities that will benefit your community such as planning and transportation exchanges, etc., which involve various city departments.

SET UP A COMMITTEE

As soon as your community decides to proceed, set up a small steering committee which should include a cross-section of community leaders and organizations. At this meeting appoint an Executive Committee that will have continuing responsibility for carrying out the program. Your basic committee can be expanded once your program is underway. Eventually, your committee might like to consider an official name, such as "Overseas Neighbors," etc. Your Mayor is usually asked to serve as Honorary Chairman.

The Committee should review the human and physical resources of your community. It can discuss the types of projects your community can undertake and should develop a tentative program plan. The Committee will then come up with suggestions for locating a sister city.

SELECTING YOUR PROSPECTIVE SISTER CITY

Pick a country and then, if possible, narrow down your choice to a prospective area. Selection should be based on mutual interests. For example, affiliated communities may be similar in size and economic characteristics.

Help in selecting a city may come from ex-servicemen who served in the area, members of your community who have traveled or lived abroad, nearby foreign consulates, foreign language groups and organizations, and firms with overseas branches.

Your choice may derive from historical ties. Who founded your town? Who have been outstanding leaders during the growth of your community? Did they come from a foreign country? Answers to these questions may give you clues for focusing on an overseas area.

BEFORE YOU WRITE OVERSEAS

Whether you want advice on choosing a city or have already decided on one, you will find it helpful to obtain additional information before making your initial contact with the overseas city. Write up a background sketch on your own community; outline the types of business activities carried on; the names of your civic and service organizations; the extent of your public and private school system; cultural institutions like museums, art galleries; occupations and hobbies of your committee members; the types of projects your community is ready to undertake at the beginning. At this point, you will wish to consult with the Town Affiliation Association for advice on specific countries and experiences other cities have had to help guide your choice. The Town Affiliation Association will review your plans, assist you with any problems and clear your choice for a Sister City through appropriate overseas channels.

HOW LONG DOES IT TAKE?

Now that you are ready to apply for a sister city in another nation, how long will it take before you will know who your affiliate will be, or whether the city will accept? First, this will vary depending on which area of the world is being approached. Second, the time will vary due to the press of local conditions, language barriers or other unforeseen circumstances. An affiliation to become reality, can take anywhere from weeks to months. The usual time is about six months.

WRITE YOUR PROSPECTIVE SISTER CITY

Now that you have singled out the overseas town of your choice, and Town Affiliation Association has ascertained that the interest is mutual, have your Mayor send a letter to the Mayor overseas. Your Mayor's letter will set forth your desire to affiliate with the foreign city; it may explain why you chose that particular city, it may describe what you mean by an affiliation. The Town Affiliation Association can provide a list of suggested forms to assist you.

Don't expect an immediate reply, remember it took your own community time to get this far. Even though the overseas Mayor is interested, he will want to discuss your proposal with his Council. It may take three months for you to get a reply. Be patient. Slow beginnings often have the best endings.

YOUR SISTER CITY ACCEPTS

Ask your sister city's Mayor to set up a committee similar to yours and send you the names of the members so that you can exchange ideas for mutual projects. You will probably want to stage some ceremony in your own city now, in order that everyone in your community will know that you and your sister-city are officially affiliated. Publicize the event well and invite representatives of your sister city to be present at the ceremony. Don't forget foreign students in your area that come from your affiliate's country. Be sure to invite participation by members of your local newspapers, radio and television.

YOUR COMMITTEE AT WORK

Under your Executive Committee, subcommittees may be appointed for each proposed project, with Standing Committees responsible for year-round planning. Some towns work through 5 or 6 committees. Others use 12 to 15 committees because of the scope of their program. No one small group can be expected to carry out a successful affiliation. The work should be divided and spread out so a large number of people from many sections of your community will have an opportunity to take part. Many committees ask existing groups to take charge of one or two projects per year, thus helping to insure a dynamic continuous program. From this point on you need full publicity through press, radio and TV to arouse enthusiasm and enlist the cooperation of the whole community.

FINANCING YOUR PROGRAM

A budget is needed, of course. It can be small or large and is generally raised outside of city government funds by the affiliation committee. Communities have used different ways for raising funds to finance activities. Annual dues and memberships usually help defray general operating expenses with larger affairs held; balls, sales, etc., to finance more ambitious exchange projects. Many activities are supported by "services" of business, cultural and civic groups. Hotels have offered free lodging to overseas visitors, auto dealers have supplied transportation, and manufacturers have furnished products and manpower.

Many projects can be carried out at little or no cost. Examples are exchanges of school artcraft, exchanges of photograph exhibits, pen pals, tape pals (exchange of tape recordings), exchanges of popular and industrial magazines and technical literature, and contact between "ham" radio operators in each community. Civic, service and social clubs establish contacts with counterpart groups, in the sister city. If such groups do not exist in the affiliated city, it may be possible to assist citizens overseas to establish them.

PROJECTS YOU CAN DO

Programs and projects are developed out of the mutual desires and interests of the sister-cities. There is no cut-and-dried pattern. Projects are only limited by the imagination and resources of the communities. In general Town Affiliations appear to succeed better when the cities are of similar size and have similar interests and ways of making a living. Through visits or exchange of correspondence, both cities discuss the types of projects they would like to carry out. When one or more projects are agreed upon, the program is carried out by the citizens on both sides.

In beginning the program, a community may wish to start by sending a group of 8 x 10 photographs of its city along with background material. Remember, language barriers can be overcome by various visual presentations. The affiliate may wish to publish these in the local newspaper. You should ask for photos and news of the city so your local newspapers can acquaint your own citizens with your sister city. As your program develops and expands, it is a good idea to

keep at least two scrapbooks. They are useful to help guide future chairmen, to loan to neighboring communities interested in entering the program and for national and international award programs.

Following are some of the types of projects which have been carried out successfully by other communities. The types of projects you decide on may be more comprehensive than this brief list, depending upon your community resources and ingenuity.

1. Exchanges of visitors, officials, prominent citizens, musicians, students, teachers, professionals, news reporters, radio and TV, labor, etc.

2. Organized tours. Hospitality ceremonies for visiting groups.

3. Letter writing. When exchanging correspondence with a community that speaks another language, a Language Resource Committee is essential. Other than face-to-face visits, one of the most important ways of exchanging ideas with overseas contacts is through the personal letter. Write your friends overseas about your way of life, where you work, your hobbies, where you live, play, go to school, etc. Write about current happenings in your community. If you do not have the name and address of a person to write to, ask the committees of your sister city to supply you with the names of persons wishing to correspond, together with information about their interests.

4. School affiliations can be a stimulating activity if organized within your educational system. They can be a strong adjunct to your school's language, history, cultural and other programs. There are no end of fascinating projects that young people can engage in to enlarge their horizons of learning.

5. Radio contacts between sister-cities can be made by amateur short-wave radio operators. Special broadcasts on records or tape are made for use abroad.

6. Art Exhibits. Both school children and members of local art clubs exchange art work with their overseas counterparts. The material is often exhibited in public buildings and merchants' windows in both towns.

7. Photo Exhibits. Camera clubs of both towns exchange collections of still photographs and documentary motion pictures.

8. Sending of mementos, not on a charitable basis, but of mutual interest and respect. Gifts are generally modest ones.

9. Exchange of music, recordings and plays.

10. Exchange of good quality magazines, books and periodicals, new and old in good condition.

11. Exchange of technical literature and publications between people of similar interests. For example, medical publications between doctors, publications dealing with new scientific techniques, music and art appreciation, exchanges between jewelers, Chamber of Commerce, lawyers, and materials between city officials and various city departments.

12. Club Affiliations. Development of relations between such groups as Lions, Rotary, Boy Scouts, Girl Scouts, women's clubs, and hobbies, etc., with their counterparts in the sister city.

INFORM YOUR COMMUNITY ABOUT SISTER CITY PROJECTS

Publish and prepare food recipes from the foreign country.

Play popular and traditional music of the country at schools, club meetings and over local radio stations.

Make up local exhibits for store and bank windows showing products or the way of life of your overseas affiliate.

Learn what local manufacturers must import to make their finished product. Perhaps raw material; chemicals, or semi-finished parts come from the area near your sister city. The idea here is to illustrate the economic interdependence of people.

Cooking classes in school could spend a week on favorite dishes of the sister city.

Obtain a flag from your sister city and country to use in your public meetings.

Plant a tree for your city and your sister city side by side in a public park and have appropriate ceremonies.

Gather facts on your sister city to use on an "area" basis. For example, the local historian could write an article or make a speech on the history of the foreign city. The school advisor could write or speak on the likenesses and the differences of the school systems. This could be developed into at least 10 or 15 basic speeches for civic and service clubs, and for as many articles in the local newspapers.

Stamp collectors could exhibit stamps from the overseas country.

Appropriate foreign songs might be taught and sung in the school room.

Games of the foreign city might be interesting to the children and sport enthusiasts.

Travel posters from the sister city or its country could be displayed in windows and meeting places.

Motion pictures or colored slides obtained from the sister-city or airlines and transportation companies could be exhibited.

You may want to put on a Sister City dance. This will inform your community about your project while helping to raise money for your activities.

Industrial worker exchange, teachers, technicians and apprentices, so inclined, are employed by industrialists of the sister city for a specified period of time.

Sister City bazaar or dinner.

Arrange to get together a local group to visit your sister city.

Social programs for visitors from your sister city.

Local group to study and work on crafts of sister city.

Local churches can use the sister city and brotherhood theme.

Each local civic and service club can offer a "Salute" program to the sister city.

After the Town Affiliation is underway, there can be an anniversary dance, dinner, party or celebration.

The sister city theme could be tied in to the county fair and its exhibits.

The local motion picture theatres could show short subjects of the foreign country in which the sister city is located.

Your local library can feature books and pictures on the affiliate country.

Local garden clubs could plant and design a garden where the names of your city and your affiliate would bloom in flowers.

You can rename one of the local streets or parks for your sister city during periods of celebration or as a permanent symbol of your affiliation.

PROGRAM AIDS

The Town Affiliation Association constantly receives and researches materials, news letters, and publications from cities and organizations throughout the world which are involved in the affiliation program. These materials are available to help new communities interested in the affiliation program. The TAA maintains a list of guides, and helpful suggestions on how-to-do-it. For a publication list write to: Town Affiliation Association, 1612 K Street, N.W., Washington, D.C. 20006.

THE TOWN AFFILIATION ASSOCIATION

The Town Affiliation Association of the U.S., Inc. is a tax-exempt, non-profit organization, headquartered in Washington, D.C., established to foster better international cooperation and understanding through Sister City relationships between cities in the U.S. and other nations. The Association is an organization of city governments and their Sister City Committees and provides a national forum through which the cities of America can express their concerns and actively work to meet the challenge of bettering international relations in the world today.

The Town Affiliation Association was incorporated in 1967 in the District of Columbia at the request of the cities in the program to provide this national forum for an interchange of ideas and resources to help local communities further their international programs.

Every U.S. city affiliated with a Sister City in another nation finds itself busy with their local program activities. While Sister City Committees must provide local leadership and direction, they must also deal with many issues that can only be approached through nation-wide study and action. New developments in the field of international relations are brought to the attention of communities by the national Association which provides the kind of national resources and services which are essential to continuing program development at the local level. New program opportunities are also investigated by the Association which can greatly benefit local communities involved in the continuing quest for world peace and understanding.

The Town Affiliation Association serves as a center for research, information and counseling. In this function as a national clearinghouse, the Association has been instrumental in saving many communities considerable time, money and effort in carrying out local Sister City programs. Also, TAA serves as a focal point for the development of new international exchange programs on a national pilot basis. These programs are then made available for implementation within the structure of local Sister City activities.

The ultimate success of a Sister City program occurs when it reaches the broadest person-to-person level possible. As expressed by the famed, late commentator Edward R. Murrow, "The best form of international communication occurs at three feet." TAA helps communities translate this desire to "communicate" at the person-to-person level into a plan of action.

RESOURCES AT YOUR DISPOSAL

The resources of this program are not confined to those in your own community. They reach beyond your state, beyond the boundaries of our nation. The strength of the program lies in the people, their institution, the communities already active in it. You will become a part of a vast group experienced in international affairs and ready to assist you in launching your own effort and in helping it, once embarked.

The process of affiliating or entering into sister city relationships has resulted in a world-wide venture of cooperation between many people, institutions and associations of a completely private, nonpolitical nature. Many cities already in the program have given freely of their time and experience to neighboring communities interested in becoming affiliated. This process works in both directions.

In the United States, many local, regional and national organizations have enthusiastically endorsed the sister city program. Organizations such as the Rotary, Kiwanis, Jaycees, Boy Scouts and Girl Scouts, 4-H, Chamber of Commerce, Lions, Altrusa, Zonta, school boards and many others actively support local affiliation programs. The National League of Cities has supported the sister city program in its National Municipal Policy and by active participation in the program for many years. The League, established in 1924, represents over 14,500 municipal governments of all sizes, either directly or through their state municipal leagues.

Overseas, the International Union of Local Authorities, with headquarters in the Hague, Netherlands, has lent its prestige and support to the sister-city program. The IULA unites national associations of municipalities from 47 countries of the world and has urged its membership to enter this program for

many years. The IULA has working relations with the United Nations, UNESCO, and the World Health Organization.

PROBLEMS IN U.S. TUNA INDUSTRY

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

Mr. BOB WILSON. Mr. Speaker, if Congress is not careful, it could get the U.S. tuna industry into a pretty kettle of fish. I refer to the proposal to establish a 200-mile fishing boundary for U.S. waters. And, that old family standby, tuna fish casserole, might well become a wistful memory due to shortages of tuna, and a rapid escalation in price that passage of such a bill would generate.

Just a few years ago some forward-looking scientists predicted that the world would come to depend on the oceans for much of its protein production. Wallowing in beefsteak, we made light of their theories. Now, suddenly, we realize that, on a worldwide basis, production of grains and meat are beginning to fall behind demand. Even in our Nation, which has huge productive capacity, the need for grains for export has run head on into the need for domestic feeds and we have seen meat and poultry go up in price and in some cases off the shelves at the supermarket.

The world fish catch has been steadily increasing. Since 1966, for instance when it was 114 billion pounds, it has jumped to 153 billion pounds in 1971, a value of some $10 billion. The United States has fallen far astern in world fishing. Our 4.7 billion pounds is still a $704 million industry.

The U.S. tuna industry last year landed 524,275,000 pounds of fish, worth $120,659,000. When the world, and the United States will depend more and more on harvesting the food resources of the sea we must work out international management agreements that make sense. We must protect our own fishing industry. Some 74 percent of canned fish products in the United States last year came from the tuna industry.

The stepped-up demand for fish has created nationalistic stirrings in nations bounded by fishing waters. The "cod war" between Iceland and Great Britain was an example of the clash between tradition and sudden national possessiveness of the ocean waters. The English had fished the Iceland banks for centuries until that country decided to extend its boundaries from the 12-mile limit to 59 miles.

We would face a "tuna war" if the 200-mile limit legislations, S. 1988, the "interim Fisheries Zone Extension and Management Act of 1973 were allowed to become the law of the land. Our tuna fleet already suffers from harassment by nations which have unilaterally staked out claims on the ocean. More than 200 seizures of U.S. boats have been made since 1961. Passage of this act would invite retaliation by other nations and remove the last vestige of protection for our tuna fishing fleet in open waters.

Statistics reveal that considerably more than half of our major tuna catch is made in waters less than 200 miles offshore of the 13 nations and islands involved in the Inter-American Tropical Tuna Commission. Unilateral action on our part in establishing the 200-mile fishing preserve would be certain to set off a chain reaction on the part of other countries. This would lead to permit systems, an acceleration of seizures and ugly international incidents.

The tuna appears around the entire world. Albacore migrate from the coast of Japan to the west coast of North America each year. Bigeye tuna migrate across the Pacific, southern bluefin tuna are distributed from the south Atlantic through the Pacific and Indian Oceans, northern bluefins move from the east coast of the United States to northwestern Europe and down to Brazil.

All species of tuna move around constantly, following food supplies, and it is obvious that as a species the tuna has no home. It ranges over vast expanses of the world's oceans, and appears at a wide range of latitudes. If we are to depend on the seas for more food we must manage this renewable crop with care. A series of jealously guarded 200-mile zones would make any intelligent management program virtually impossible.

It is obvious that the proposed U.S. 200-mile fishing zone is aimed at protecting U.S. interest in its coastal fisheries. There is a justifiable concern over this valuable resource. But, it should not be preserved at the expense of our pelagic—tuna among others—fishing industry.

The United States is proposing to the present United Nations Conference on Uses of the Seabeds that definite management program be established. Our capable representative Howard W. Pollock, a former Congressman from Alaska, has proposed that a species approach be used for fish such as tuna. Management of predominately coastal fisheries would reside in the coastal states. However, management of wide-ranging species such as the tuna will require international agreements such as the present Pacific Tuna Commission. To harvest the maximum yield we must have cooperation in optimum management, in conservation, habitat studies, and controlled catches to allow stocks to replenish themselves. A patchwork management program made up of various 200-mile zones, with differing governmental attitudes toward fishery management, would jeopardize world supply of many species. I fully support the U.S. position as proposed by Mr. Pollock. It simply says, shorn of its international legalisms, that management of wideranging fishes should be done under a joint agreement by those nations involved in fishery, rather than by rigidly set areas of water.

Modern fishing requires that tuna boats follow the fish. A nation with a small coastal area could not establish a successful tuna fishery within a 200-mile limit, since today's fleet often fishes at different times of the year in locations thousands of miles apart.

In a working paper submitted to the U.N. Committee on Peaceful Uses of the Sea-Bed and Ocean Floor, the U.S. position on any 200-mile limit proposals noted that—

> When such artificial constraints are imposed on the freedom of movement of tuna vessels, efficiency drops, catches are reduced, the supply available to mankind is diminished, and what supply there is, is available at a higher cost—a higher cost not only to the consumer, but to the world as a whole.

To keep the tuna coming into the canneries much research on their life cycle must be done. Again, few nations could go it alone, and since the tuna knows no 200-mile boundaries, any individual nation's research would be inadequate. Agreement and cooperation are necessary if the world supply of tuna is to be preserved.

Conservation consists of catch limitations, both in quantity of catch and size. Again, the whole effect could be thrown out of whack if nations set up their own regulations and over-fished, or underfished the tuna passing through their zone. Since the range is so great, the oceans so huge, we can do little toward regulating propagation of the tuna. We must limit conservation to an exacting harvest in line with the fishery's ability to sustain its numbers.

It does not make sense to me for the Congress to enact a measure that would: First, invite retaliation by other nations; second, stir up international disputes; third, reduce the supply of tuna for U.S. consumption; fourth, drastically hamper research and conservation programs for tuna resources; and fifth, adversely affect a sizable fishing industry that is already struggling against increased costs due to necessity for sophisticated long-range boats and expensive gear.

John Wesley once said: "I look on the world as my parish." Today we must look on the world as our fishing hole, and share it with other nations. Self-centered extension of our fishing boundaries would be a great step backward in a shrinking world, an unconscionable setback to our own fishing industry.

INFLATIONARY FARM BILL

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

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following excellent editorial which appeared in the Washington Star-News on Thursday, July 26, 1973:

INFLATIONARY FARM BILL

The House has sprung a welcome surpise, in voting even stronger curbs on those big subsidy payments for King Cotton and other large farming interests than the Senate was willing to approve last month. In their separate legislation, both houses have set a $20,000 subsidy limit for any single farm operation ($165,000 now is the ceiling), but the House last week took the needed additional step: Its bill would close loopholes that could permit growers to divide their landholdings and evade the new limitation.

Thus it seems, at first glance, that this year's farm bill may represent a historic setback for those agricultural interests—exceedingly powerful in Congress—which

benefit from federal programs costing $3 to $4 billion annually. But this particular reform, a sensation in itself, is but a small part of the total picture. On balance, the bills that have passed both houses, and now are in conference committee, could give farmers a larger windfall of tax dollars than ever and fuel the inflation of grocery prices. There are signs that President Nixon may veto the final product for those reasons.

And probably he should. The riskiest aspect of this legislation is a new system of paying crop subsidies on the basis of "target prices," which would increase along with any rises in the cost of production. If farm prices drop below these specified targets, direct federal payments to growers of feed grains, wheat and cotton would make up the difference. And prices may well be sliding in the next couple of years, if the desired effect is achieved from the administration's wise move last week toward removal of acreage controls, to boost farm production.

Supporters of this target formula claim it can reduce the subsidy outlay, but that appears to be a large gamble. Other observers think just the opposite is possible—a rise of several billions in subsidies. In any case, the cost-of-production escalator is inflationary, beyond doubt, and the whole plan seems to base a new standard for federal farm assistance on the present inflated food prices.

Oddly enough, this innovation was put over in both houses with the aid of liberal, labor-backed members, seeking the votes of farm-bloc lawmakers for a bill raising the minimum wage. The trade-off apparently worked, but this uneasy alliance later came apart on passage of a farm bill amendment denying food stamps to strikers. Maybe there also will be second thoughts in the House-Senate farm bill conference, sufficient to drop the production-cost escalator provision.

If not, a presidential veto seems justified. Indeed, with food prices soaring again, that probably will be demanded of Mr. Nixon by a multitude of housewives.

BELLINO DENIES ELECTRONIC SURVEILLANCE

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

Mr. DEVINE. Mr. Speaker, on July 25, my remarks appeared in the RECORD about the fact that the New York Times ignored and the Washington Post buried on page 26 the press conference of Republican National Committee Chairman, George Bush, concerning allegations of electronic surveillances instituted and supervised by the head Watergate investigator, Carmine Bellino. I also included in my remarks three affidavits that were provided to Chairman Bush.

In the interest of fairness, I am including a denial statement from Carmine Bellino dated July 24, 1973 which is self-serving, in addition to an affidavit he provided from one Oliver William Angelone, a copy of which I am also submitting for the RECORD.

STATEMENT BY CARMINE BELLINO, JULY 24, 1973

I have read the charges about me made by George Bush and the affidavits attached to his statement. The charges are absolutely false. I categorically and unequivocally deny that I have ever ordered, requested, directed or participated in any electronic surveillance whatsoever in connection with any political campaign.

By attacking me on the basis of such false and malicious lies, Mr. Bush has attempted to distract me from carrying out what I consider one of the most important assignments of my life. I shall continue to exert all my efforts to ascertain the facts and the truth pertinent to this investigation.

Oliver William Angelone, being duly sworn, deposes and says:

1. I make this affidavit for submission to Senator Sam Ervin and Senator Howard Baker, Jr.

2. I have been advised that affidavits insinuate that I may have participated in electronic surveillance during the 1960 presidential campaign. The insinuations are entirely false.

3. During the 1960 presidential campaign, Mr. Carmine Bellino was engaged in locating the source of anti-Catholic literature. Mr. Bellino requested that I assist in finding out whether an individual, whose name I cannot now recall, was registered at any of the hotels in Washington.

I may have requested Mr. Joseph Shimon to assist in obtaining some information from a hotel. I may also have told Mr. Shimon that the information was requested by Mr. Bellino.

I know I did not request Mr. Shimon to engage in any activities except to obtain the information as requested.

4. I was never requested to engage in any electronic or physical surveillance of any person at any time during the 1960 presidential campaign, and I did not engage in such activities.

OLIVER WILLIAM ANGELONE.

EXCEPTIONAL STUDENT ORGANIZATIONS

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

Mr. DU PONT. Mr. Speaker, today I am presenting a concurrent resolution which expresses the sense of the Congress concerning seven exceptional student organizations. Cited as providing outstanding experience for the career development of America's young people, the groups named are:

The Distributive Education Clubs of America;

The 4–H Clubs of America;

The Future Business Leaders of America;

The Future Farmers of America;

The Future Homemakers of America;

The Office of Education Association; and

The Vocational Industrial Clubs of America.

For many of today's youth, actual training is a most important and meaningful concept. Academic classroom experience can and should be combined with occupational and vocational learning experiences, so that students are able to individually, actively explore their contemplated or desired career fields.

Although a small child can be taught the theory behind good writing, he will be unable to put the concepts he has learned onto paper until he has the tools—words—and the mechanics— different combinations of words—with which to work. And even then he will need much practice to become an accomplished writer. This is what the aforementioned organizations are doing: giving the youth of America the tools and mechanics, and, perhaps most importantly, the practice they need to become skilled and proficient in the field of their choice.

The benefits of this specialized knowledge and experience are overwhelming. By providing opportunities for practical experience and eventually creating more skilled, satisfied workers—be it in farming, business, homemaking, industry, or teaching—these organizations are doing service not only to the individual receiving training, but to the country as a whole.

In addition to recognizing the seven named organizations for their outstanding contributions to society, the resolution expresses the sense of the Congress that financial assistance should be provided by each state to guarantee the continued success of these organizations in career and vocational education.

Mr. Speaker, I ask that the resolution be printed at this point in the RECORD. I urge my colleagues to join with me, Mr. ARCHER, Mr. BURGENER, and Mr. JAMES BROYHILL in sponsoring this resolution which puts the Congress clearly on record in support of these organizations.

SOLID WASTE DISPOSAL ACT

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

Mr. ROGERS. Mr. Speaker, on March 21, 1973, the House of Representatives, by a vote of 392 to 2 passed a 1-year extension of the Solid Waste Disposal Act, an act developed in past years by the Subcommittee on Public Health and Environment. The Senate passed the bill by voice vote and the President signed it into law.

The purpose of the new law was to permit the Environmental Protection Agency's solid waste management and resource recovery program to continue in operation while the committees of Congress undertook extensive review of the adequacy and effectiveness of existing legislative authorities and programs.

Despite this expression of the intent of Congress, the Office of Management and Budget has undertaken a virtual dismantling of this program. It has cut the solid waste budget from nearly $30 million for fiscal year 1973 to under $6 million in fiscal year 1974. The EPA has ordered that a staff of 320 persons be cut to 127. Already over 50 percent of this cutback has been completed. Some of the program's most experienced and knowledgeable people are being driven out of public service.

Mr. Speaker, not only is this action violative of the intention of Congress, it also just does not make sense. Both local and State governments have indicated that their efforts toward effective management of solid waste cannot succeed without substantial Federal assistance in the form of research, regulation, technical and management assistance, and technology development. Task forces reports from the National League of Cities, the U.S. Conference of Mayors, and the Council of State Governments have concluded that an expanded Federal role is essential to enable local and State agen-

cies to deal with solid waste generation and disposal problems. Already, the financial burden of solid waste disposal on local government is staggering. In the Nation's 48 largest cities, 50 percent of the environmental budget goes for solid waste collection and disposal. Yet the EPA's fiscal 1974 budget earmarks only 1 percent of the Federal environmental dollar for solid waste management.

Apart from the financial burden that solid waste disposal places on the hard-pressed cities and their residents, solid waste disposal constitutes a significant source of environmental degradation. When incinerated, it pollutes the air. When dumped, or when uncollected in back alleys, it breeds disease. When buried, it threatens to pollute our surface and ground waters.

Mr. Speaker, present waste generation and disposal practices squander scarce resources of this country. Land is used as the ultimate garbage can, instead of being treated as the precious gift it is. Within the next 1 to 5 years, almost one-half of America's cities will exhaust existing waste disposal capacity. And solid waste generation increases daily, at a rate five times faster than the population growth. Moreover, Mr. Speaker, our scarce energy resources are being forfeited by present waste disposal practices. Through the implementation of provisions of the Resource Recovery Act, waste disposal systems that use the heat derived from burning wastes to fuel boilers and provide other energy needs have been initiated. But these systems are not in general use and the budget recommendations would terminate these programs before they get off the ground.

Mr. Speaker, I cannot protest too strongly this unilateral action by the Executive branch. During hearings on the simple extension legislation, it was made abundantly clear to EPA officials that the subcommittee expected the solid waste program to continue at the 1973 levels. If this action is not reversed, then I shall recommend to other members of the subcommittee that we take immediate legislative action to further prohibit the dismantling of this carefully developed program which is so critical to the environmental quality of this Nation.

BIGOTRY AMIDST CORRUPTION

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

Mr. MOSS. Mr. Speaker, yesterday, John J. Wilson, counsel to Messrs. Haldeman and Ehrlichman, added public expression of the most shameful kind of bigotry to the already lengthy, ignoble record of this administration. By now, most Americans know this man emerged from yesterday's Watergate hearings to openly label Senator DANIEL INOUYE of Hawaii as, "that little Jap."

Some few Americans may not know that "the little Jap" enlisted in the U.S. Army as a private in World War II and was awarded a battlefield commission for bravery. "That little Jap"—serving in the universally acclaimed 442d Regimental Combat Team attached to the 5th U.S. Army—fought in France and Italy through the bloodiest battles participated in by our troops. In the process, "that little Jap" lost his right arm in combat. "That little Jap" has the right to wear some of our Nation's highest decorations. These include the Distinguished Service Cross, Bronze Star, Purple Heart, five battle stars and four Distinguished Unit Citations. "That little Jap" left many Nisei comrades in heroes graves abroad. "Those little Japs" gave their lives willingly so Mr. Wilson could have the privilege of practicing his kind of law, collecting fat fees from Watergate defendants. "That little Jap" and his kin gave their all so Mr. Wilson could exercise freedom of expression. That same Mr. Wilson who, as most Americans might agree, is unworthy of holding "that little Jap's" coat or shining his shoes.

Mr. Wilson has perhaps inadvertently taught us much. Here is a high-priced legal mentality so typically Nixonian. He represents two major figures feeling no conflict of interest as his clients' self-serving statements inexorably and increasingly diverge. His scruples stretch easily to cover the ever-widening gaps between their versions of events. His indignation is limited to those who refuse to accept pro forma denials and who, instead, vigorously probe for the truth.

Here is the kind of legal talent that thrive on aiding those who seek ever-greater concentration of money power. Monopoly and merger are his familiar subjects and boardrooms and penthouses his favorite haunts.

Now this sleek legal operator, yanked into the light, with teeth bared and claws out, snarls defiance and hate at those who will not compromise the rights of the people. In a rage over an unaccustomed adversary relationship, he falls back upon the more basic elements in his nature striking out in timeworn bigoted manner of his kind.

Observing him in action called to mind many sad memories of our less glorious past: The Quaker persecutions, the Anti-Masonic Party of the 1820's the Know-Nothings of the pre-Civil War period, Mormon persecutions, California mobs attacking the Chinese, the American Protective Association of several decades later, the Klan, Bund, Communist Party, Silver Shirts and American Firsters, Lynch mobs, Scottsboro, Leo Frank, Boston convent burnings, and, most of all, the imprisonment in detention camps of several hundred thousand Japanese Americans came to mind as Mr. Wilson uttered his "Jap" phrase, confronting America again with the more shameful part of our heritage.

For this and so much more, America owes an apology to Senator INOUYE, his family and all members of the Japanese-American community. Mr. Wilson spoke only for his own kind.

Let us remember that if today it is "that little Jap," then tomorrow it may well be some other group of Americans singled out for assault by the Wilsons. We are all children or descendants of immigrants who came here seeking what was unavailable in the old world in terms of human freedom. If Nixonism has corrupted government, violated law, trampled on the Constitution and degraded the Office of President, let it not rob us of self-respect.

Let us relegate Wilson and his kind to the dark pages of the history of an earlier time vowing that we shall not tolerate his like again in the corridors of power.

For me, I point with pride to my service with a most distinguished American—my colleague, Senator DAN INOUYE.

U.S. SENATOR DANIEL K. INOUYE: ALL-AMERICAN

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

Mr. MATSUNAGA. Mr. Speaker, as an American who has been mistaken for an Eskimo, an Indian, a Chinese, a Korean, and even a Japanese diplomat, I rise to express my gratitude for the vast majority of good and tolerant people in this our great country, I am prompted to do this because yesterday, when a reporter asked Mr. John J. Wilson, the distinguished attorney for former White House aides, H. R. Haldeman and John J. Ehrlichman, whether he thought that the questions put to Mr. Haldeman by Senator LOWELL WEICKER were fair, Mr. Wilson reportedly replied:

Oh, I don't mind Senator Weicker; what I mind is that little Jap.

By his ill-timed name calling, Mr. Wilson could have been referring to the visiting Prime Minister from Japan, but he evidently was referring to my good friend and colleague from Hawaii, U.S. Senator DANIEL K. INOUYE.

By Mr. Wilson's standards, because I am somewhat taller than Senator INOUYE, I may not qualify as a "little Jap," and perhaps an altogether different standard would be applied to my other colleague from Hawaii, Mrs. MINK, but all three of us are Americans of Japanese ancestry.

The tragic part of Mr. Wilson's pejorative references to a U.S. Senator was his later defense of his insulting remarks.

That's what he is, isn't he?

Mr. Wilson said:

I wouldn't mind being called a little American.

Mr. Wilson should indeed be called a "little American," if not "un-American," for, blinded by racial prejudice, he could not recognize that Senator INOUYE is all-American. As a member of the famous 442d Regimental Combat Team in World War II, Senator DANIEL K. INOUYE, then an American infantryman, demonstrated such valor and courage that he was awarded the Distinguished Service Cross, the Bronze Star, the Purple Heart, and numerous other decorations. In defense of America and its citizens, including Mr. Wilson, Senator INOUYE literally gave up his right arm.

Mr. Speaker, about 27 percent of the population of my State of Hawaii consists of Americans of Japanese ancestry. I hope that Mr. Wilson will soon avail himself of the opportunity to visit that integral and most beautiful part of the

United States called Hawaii. I can assure him that he will be treated, as are all our visitors, with a generous portion of the Aloha spirit, in a truly American fashion. He may then be able to recognize an American when he meets one.

FREEDOM FROM SURVEILLANCE ACT OF 1973

(Ms. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ABZUG. Mr. Speaker, I am introducing today the Freedom From Surveillance Act of 1973. It is identical to the bill introduced in the other body by Mr. ERVIN.

This bill would prohibit investigations, surveillance or data-keeping by the military into the beliefs, associations or political activities of civilians and civilian organizations.

It provides criminal penalties for civil or military officers who violate the prohibitions of the act. The measure also permits any aggrieved person to file a civil suit to collect damages and to enjoin any illegal investigation.

Mr. Speaker, I noted on the floor during debate on Tuesday that in recent years, dossiers on more than 100,000 citizens and groups have been collected and stored in 350 centers throughout the country.

In response to public criticism, the Department of Defense, in March 1971, issued regulations allegedly correcting the abuses of investigations of this type. The evidence shows that these abuses continue. Newspapers recently reported the start of the trial of the "Gainesville Eight"—a group of eight members of Vietnam Veterans Against the War. Allegations have been made that undercover military agents infiltrated this group, in order to survey its activities and act as provocateurs. Within the past week, reports out of Germany have indicated that the American Military Establishment has been conducting investigations of American and foreign civilians and civilian organizations.

We cannot rely on the military to observe its own regulations in the area of surveillance. On Tuesday, Mr. NEDZI and I engaged in a colloquy, in which Mr. NEDZI, the distinguished chairman of the Special Intelligence Subcommittee, stated that he anticipates his committee will look into the matter and that he expects legislation concerning military surveillance to come to the floor quickly.

During the current Watergate scandal we have learned that various agencies of the Government have been engaged in repressive activities against private citizens. In legislation as embodied by the Freedom From Surveillance Act of 1973, we have an opportunity to rectify this situation in the Defense Department, as well as to preserve our basic first amendment rights.

SIXTH ANNUAL MEETING OF ASIAN DEVELOPMENT BANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 60 minutes.

Mr. CONTE. Mr. Speaker, recently I had the privilege of being part of a constructive U.S. presence in Asia. We can only hope that that experience will become more common now that the Congress has made clear its determination that our resources not be used in Asia for destruction.

With Mr. HANNA, of California, Mr. BROWN of Michigan, Mr. GETTYS, of South Carolina, and Mr. WILLIAMS, of Pennsylvania, I was a congressional member of the U.S. delegation to the Sixth Annual Meeting of the Asian Development Bank which was held in Manila April 25–26. We also had a firsthand look at several projects for which the Bank has made loans.

This was the first time I had attended a meeting of the Bank. So far as I can determine, it was also the first time a member of the Appropriations Committee had been included in our delegation to an overseas meeting of the Bank. I was impressed by the record the Bank has made in its 6 years of operations and by the willingness of Bank officials to face the problems that develop in any new organization and work to resolve them.

The United States was a charter member of the Bank. It is an important complement to our bilateral aid program in Asia. It is based on principles we consider essential for effective assistance programs—the principle of self-help in a framework of collective action, the principle of flexibility in meeting the needs of countries at different stages of development, and the principle of stimulating and supplementing, rather than replacing, private capital.

We are now at a critical point in our relationship to the Bank. Before discussing this, however, I want to outline briefly the way the Bank has developed, some of its activities, and our stake in it.

ASIAN INITIATIVE—COLLECTIVE ACTION

The Bank is made up of Asian and non-Asian, developing and developed member countries. Asian countries took the lead in organizing the Bank, they contribute the greater part of its funds, and they take major administrative responsibility in it. These features enable the Bank to bring an Asian point of view to Asian problems, while tapping the wider experience and resources necessary for making inroads on Asia's mass poverty and unemployment.

The Asian Development Bank grew out of the same movement toward member-supported international organizations to aid developing countries that led to the establishment of the "World Bank"—the International Bank for Reconstruction and Development—and to the other regional banks, the Inter-American Bank, established in 1959, and the African Development Bank, established in 1964.

A regional bank for Asia was first proposed formally in 1963 by the First Conference of Ministers on Asian Economic Development of the Economic Commission for Asia and the Far East.

While the initiative was Asian, the United States played a critical role in planning for the Bank and in insuring participation by developed countries outside of Asia. The Bank's Articles of Agreement were signed in Manila in December 1965. Members of both Houses of Congress were in our delegation.

Legislation providing for U.S. membership was submitted to Congress early in 1966. Congressional support was bipartisan and prompt. On March 16 of that year, the President signed Public Law 89–369, the Asian Development Bank Act, authorizing U.S. membership in the Bank with a capital subscription of $200 million.

Bank membership is open to Asian, and developed non-Asian, members of the United Nations or its specialized agencies. At the Bank's annual meeting in Manila in April, the Solomon Islands became the 39th member. Burma will soon be the 40th. Twenty-six of the Bank's members will then be Asian: three of them—Japan, Australia, and New Zealand—are developed.

Bank assistance is limited to its developing Asian members, and can be made available directly to a member country's government, or its agencies, or to other public and private institutions. Projects too small for direct Bank supervision can be financed through loans to national development banks. Regional and international organizations in Asia may also borrow.

Voting in the Bank is related to the size of members' capital subscriptions. Until late 1972, the United States had almost 17 percent of the total voting rights. A capital increase which became effective then, to which we have not yet subscribed, has reduced our share of total voting rights to a little over 8 percent. Concurrence of the major contributor countries with important decisions, such as membership or capital increases, is assured by requiring votes on those issues by a two-thirds majority representing at least three-fourths of the total voting power.

The United States, and each member country, nominates one person to the Bank's Board of Governors, its senior policy body. Treasury Secretary George P. Shultz is our present Governor. Day-to-day supervision is in the hands of a 12-man Board of Directors, 8 elected by the Bank's Asian members and 4 by the non-Asian members. We have had sufficient voting strength to assure us a continuing directorship.

NEEDS AND RESOURCES

Compared to the needs of the region it serves, an area stretching from the Caspian to Western Samoa, the Bank works on a modest scale. Its resources come mainly from members' capital subscriptions. Its original capital authorization of slightly over $1 billion amounted to no more than $1 per person of the populations of its developing member countries. Capitalization has since been increased to $2.986 billion, but that amount is not yet fully subscribed.

Only half of members' capital subscriptions have actually been paid into the Bank; the remaining half is "callable," and it is against these funds that the Bank is able to supplement its resources by borrowing in world capital markets. In 1972, three new bond issues were sold—in Italy, Luxembourg, and

Japan. The Bank can also sell its loans to raise new capital.

The Bank made its first loan in 1968. Since then it has provided funds to build roads and bridges, electrify factories and industrial sites, dredge ports, water fields, and train workers. Last year, its projects made up 55 percent of the total number of multilateral projects being financed in the region, and it provided 40 percent of the money being loaned by international or multilateral institutions in Asia.

The Bank's basic capital resources are primarily used for direct loans, on conventional banking terms, and only for the foreign exchange needs of specific projects which cannot be obtained elsewhere. This lending program is now well established; by the end of 1972, 74 loan commitments of this kind had been made for $767 million.

This conventional lending program has, naturally, been concentrated in the relatively more advanced of the developing member countries—Malaysia, the Philippines, Korea, and Taiwan—and in projects which generate direct financial return.

In considering economic development in Asia, and the Bank's role in it, it is important to remember that some countries lack even the capacity to plan for development. Others' basic requirements may still be for infrastructure development—for power and water resources, and transportation—that will not generate income for many years.

For these members, the Bank's ability to provide technical assistance and make "concessional" loans—loans at lower than market interest rates and for longer than usual periods of time—is critical. Up to 10 percent of the Bank's capital funds, and special contributions, are available for these purposes.

The Bank's program reflects a shift to these "soft loans"—both in number of projects and in the amounts involved. Last year, concessional loans accounted for half of the number of the Bank's projects and 30 percent of the funds available in loans. The Bank is giving special attention to its responsibility for more actively helping its smallest and least developed members and supporting projects, such as technical training, with only long-term income-generating potential.

A good deal of attention is being paid to the regional aspect of development. Comprehensive studies are being made to guide the Bank's programs in specific fields. An Asian agricultural survey, completed in 1968, provides guidelines for agricultural development programs. A broader policy study of the key problems of economic development facing Southeast Asia in the 1970's has been undertaken, as have surveys of industry and of transport needs.

I had the opportunity to visit three projects the Bank has supported in the Republic of Korea. They illustrate the variety of projects the Bank has undertaken and some of the short- and long-term payoffs we can expect.

A loan of $4.8 million to the Korean Cold Storage Co. to expand and build new facilities has markedly improved the processing and storage of fish and farm products for both the domestic and export markets, and increased the income of Korean fishermen.

The Seoul-Inchon expressway, for which the Bank made a loan of $6.8 million, links Korea's capital with its second largest port, and serves an area which now has 16 percent of the country's population and one-third of its industry.

In 1970, the Bank made a loan of $10 million to the Korea Development Bank for sublending to private enterprises. The loan was fully committed in 1972, and a second loan of $20 million was extended. Subloans for expansion, modernization, and diversification have been made to chemical, food and beverage, paper, and machine industries.

IMPROVING PROCEDURES

These projects, and the discussions I had with Bank leaders in Manila, demonstrated to me that the Bank is now a functioning institution with the ability to marshal resources and use them effectively. I am also impressed by the willingness of Bank officials, and of U.S. agencies responsible for our participation in Bank programs, to respond to criticism and address the problems that develop in a new organization.

On May 8, the General Accounting Office submitted to the Congress an excellent report on "Improvements Needed in System for Managing U.S. Participation in the Asian Development Bank."

So far as U.S. agencies are concerned, the report calls for better and timelier information for those responsible for instructing the Bank's U.S. Director on decisions on specific loans, for general guidelines on which such appraisals should be based, and for specific instructions to U.S. posts overseas to furnish information on Bank activities in their areas. On May 23, in testimony before the Foreign Operations Subcommittee of the Appropriations Committee, we had assurance that all of these recommendations are being implemented.

The General Accounting Office's report also calls for establishment of an ongoing, independent evaluation of the effectiveness of the Bank's program. The head of our delegation to the Manila meetings, Under Secretary of the Treasury Volcker, urged the Bank management to use this opportunity to assure the continued effectiveness of the Bank by setting up such a system of evaluation. The response has been heartening; Bank officials have begun active consideration of ways of establishing such an evaluation.

THE U.S. COMMITMENT

The question of the United States future commitment to the Bank is squarely before us in this Congress.

Adequate and appropriate funding for the Bank is essential. The United States share of the recent $1.7 billion capital authorization increase is $362 million. On July 10, the administration transmitted to the Congress legislation to authorize an appropriation for that contribution. Of the $121 million, which would be the first of three equal, annual installments for our subscription, only $9.68 million would be an actual cash payment to the Bank, $14.52 million would be held by the Bank in noninterest bearing promissory notes to be cashed over several years, and $96.8 million would be callable capital, used as a guarantee against Bank borrowing in the private markets.

It is a matter of grave concern to other member countries and to Bank officials that the United States has not yet contributed to the Special Funds—funds for concentrated lending—of the Bank although nine other countries, some in anticipation of a U.S. contribution, had done so by the end of 1972.

Legislation to authorize our contribution was signed into law March 10, 1972, after having been introduced unsuccessfully in the 90th and 91st Congresses. A request for the $100 million appropriation that was authorized is now being considered by the Foreign Operations Subcommittee of the Appropriations Committee.

Concessional loans are an increasingly important part of the Bank's program, and are critical for many of its client members. Members have contributed $246.73 million to the Special Funds, and another $51.6 million has been transferred from ordinary capital funds. The Bank has already made concessional loans of $206 million, and has additional projects amounting to $167 million being processed for funding in the next year. At that rate, the Bank will exhaust its funds for soft loans by this fall.

Effective planning and use of Special Funds requires more predictability as to their amount and availability and more uniformity as to the conditions of their use. Some Special Funds contributions have been made under terms so restrictive that they have hardly been used.

A major development at the Bank's recent meeting in Manila was the resolution to go ahead with planning a reorganization of the Special Funds, with provision for regular, voluntary contributions by developed countries and uniform terms of use. Criteria for use of Special Funds have also been developed.

Other member countries and Bank officials have indicated that they may be willing to consider the contribution for which an appropriation of $100 million is being considered towards our share of future Special Funds replenishments as well as our original Special Fund contribution, even though other industrialized members would make substantial new contributions. This looks like a good opportunity to get "double duty" from our contribution.

We will have to consider both the Special Funds contribution and our new capital subscription in the light of our commitment to establish domestic budget priorities and the necessity of dealing with our balance-of-payments problem.

We will also have to consider them in the light of Asian economic needs and of the role we expect to play in the peaceful development of that region. Until we make a new capital funds contribution, our voting strength in the Bank is insufficient to maintain adequate leverage on policy decisions. We have not pulled our fair share of the load in providing resources for concessional lending. Further withholding of our contribution will

also endanger contributions from other members.

A SHARE FOR U.S. BUSINESS

U.S. firms' low share in procurement under Bank-financed projects is a matter that has been, and must continue to be, of serious concern to us. We discussed this problem most frankly with Mr. Shiro Inoue, the Bank's new president, in Manila. A number of steps are being taken here, and by the Bank, to remedy this situation.

An independent study shows no evidence that Bank policies or practices are responsible. Currency realinements and trade discussions underway will improve the basic competitive position of our firms, and they are being helped to seek out procurement opportunities more aggressively.

The planned reorganization of the special funds would still permit our restricting a contribution to U.S. goods and services. Until we make that contribution, however, U.S. business is not only denied that procurement opportunity, but is precluded from procurement under funds donated by others.

BUILDING PEACE AND PROSPERITY IN ASIA

I have fought hard here for our military withdrawal from Indochina and to prohibit military assistance to underdeveloped countries. I will work equally hard to see that we contribute to building peace and prosperity in Asia.

The Asian Development Bank offers us a chance of maximum impact for a minimum commitment of resources. It offers us a chance to shift to other countries much of the burden we have borne for development assistance. And it offers a chance to help Asian countries take responsibility for their own future.

We must make the most of the opportunity.

Mr. Speaker, I include for the RECORD the address of Under Secretary Paul A. Volcker on April 26 to the Board of Governors of the Asian Development Bank. I also include a letter to President Nixon from President Marcos of the Philippines, stressing the importance of the Bank—and of our participation in it—to smaller countries in Asia, and President Nixon's reply.

His Excellency,
RICHARD M. NIXON,
President of the United States of America, Washington, D.C.

MALACAÑANG, MANILA,
March 3, 1973.

DEAR MR. PRESIDENT: May I take this occasion to invite your attention to a matter that may have escaped notice; one that concerns the material welfare not directly of the Philippines as much as of the poorer countries of our region. I refer particularly to the meeting in London, on March 15 and 16, of countries which are potential contributors to the Asian Development Bank Special Fund for concessional loans, to which the United States will be sending an official delegation.

In this connection, Mr. President, may I urge you most earnestly to provide instructions to your delegation to commit the positive support of your Government to the Bank's efforts to replenish its Special Fund resources. While our country has not been a substantial beneficiary of these resources, we recognize the very real impact that these lending operations have had on other developing member-countries of the Asian Development Bank. Needless to say, these lending operations will be gravely impaired, unless the support of potential contributors, such as your country, can be firmly secured at the London meeting.

It is with this, and with our obligations as host country, in mind, that I now ask the support of your Government in this matter. In closing, Mr. President, may I remain confident that we shall both continue to serve the causes and ambitions of Asia, a region regarding which you have shown consummate knowledge and appreciation.

With my warmest personal regards.

F. MARCOS.

THE WHITE HOUSE,
Washington, D.C., May 12, 1973.

His Excellency
FERDINAND E. MARCOS
President of the Philippines
Manila

DEAR MR. PRESIDENT: Thank you for your letter concerning the Asian Development Bank Special Fund. Your tribute to the importance of the Bank's activities in Asia carries great weight, especially since it comes from the leader of the Bank's host government.

I share your concern for those members of the Bank who depend most on its concessional lending activities. The Governors of the Bank took a positive step on their behalf when they passed the resolution authorizing the establishment of the Asian Development Fund. The March meeting of donor country representatives in London also contributed to progress in this direction.

You can be sure that the proposed United States contribution of $100 million for the Bank's Special Funds resources, which is currently pending before the United States Congress, has my strong personal support. I will continue to urge the Congress to make these important funds available.

With warm personal regards,

Sincerely,

RICHARD NIXON.

STATEMENT BY PAUL A. VOLCKER, UNDER SECRETARY OF THE TREASURY FOR MONETARY AFFAIRS AND TEMPORARY ALTERNATE GOVERNOR FOR THE UNITED STATES BEFORE THE SIXTH ANNUAL MEETING, BOARD OF GOVERNORS, ASIAN DEVELOPMENT BANK, MANILA, THE PHILIPPINES

I want to speak to you today primarily about some of the opportunities and problems we face together as we approach the future of this Bank, of this region, and of the millions of people who inhabit this vast and important area of the globe. Before doing so, however, I first take special pleasure in officially greeting our new President, Shiro Inoue. I know all of us who have worked with him in other areas in the past share confidence in his leadership—a leadership essential to the success of our joint effort.

I also want to welcome the Solomon Islands as the 39th member of the Asian Development Bank and the prospective membership of Burma. In a real sense, their entry both marks the forward progress of our intitution, and represents the continuing challenge of economic development.

I would add the thanks of my government to the people of the Philppines for their hospitality, and especially for the faith and confidence in the Bank they have demonstrated so tangibly. In a striking way, this impressive building symbolizes the coming of age of the Asian Development Bank, and the important responsibility it has assumed as a permanent catalyst for Asian development.

I am also pleased that five members of the American Congress have accompanied me to Manila as advisers. The participation of the United States in this institution is and must be a joint enterprise in which the Congress and the Executive work together as partners. For that reason, I am glad that we also had the opportunity to pause in Korea together to view first hand some of the early results of the Bank's efforts to finance development.

The Governor for the United States, Secretary of the Treasury George Shultz, regrets that he cannot be with you this week. On his behalf, I extend the best wishes of President Nixon, as well as his own, to the members and to the management of the Bank.

We meet at a critical time, not just for this Bank and for the development of Asia, but for the economic system of the world as a whole. We have seen repeated and widespread monetary disturbances in recent years. Points of strain and tension have arisen in trading relationships among nations. New questions have arisen about the development process and means of financing it.

Problems of this sort are never welcome. But let us recognize that they are a part—perhaps an inevitable part—of the process of vast change in the world economy since our basic trading and monetary institutions were shaped at the end of World War II, almost 30 years ago.

Certainly, most of these changes—viewed in a world perspective—have been for the better. Economic strength and power is more widely distributed among the industrialized countries. Individually, more of the developing countries have made particularly rapid strides in improving their standard of living. As a group, they are more conscious of their needs and their opportunities, and better prepared to play an effective role in the decision-making process.

The challenge is not to resist this process of change. Rather, we want to reexamine our practices and reconstruct our institutions in a manner that will insure that change serves our common interest in economic prosperity and political harmony.

In this process, it is vital that the developed and developing nations work together. For that reason, we in the United States have welcomed the participation of the developing countries of Asia, as well as other continents, in the work of the Committee of 20. Similarly, we also recognize that constructive revision of trading practices and rules must strike a fair balance between the legitimate interests of individual nations—including the developing nations—and the need for a common and cooperative approach.

It is in that spirit that President Nixon has proposed to the Congress broad new authority for trade negotiations. The fundamental premise of that legislation is that every nation can and should benefit from expanding trade and open trading practices, within the basic framework of a competitive market system. But that "openness" must also be combined with fairness for all nations.

The President has requested authority of unprecedented scope to engage in multilateral trade negotiations. This authority would include—and look toward—reductions in both tariff and non-tariff barriers.

At the same time, the legislation would recognize that open markets and free trade can, in some instances, bring change with disruptive speed. The United States, like other countries, needs effective safeguards when surges in imports bring excessive hardship to domestic workers and businesses. We believe such safeguards—designed not to avoid adjustment but to ease adjustment for a transitional period—can most effectively be worked out on a consistent multilateral basis.

Our proposed legislation also recognizes that progress in reducing trade barriers for the United States can be sustainable only in a context of a perception that our own products receive fair and nondiscriminatory treatment by others. For that reason, our proposed legislation would provide improved authority to respond effectively to restrictive and discriminatory practices of others, if

necessary by restricting their access to our own market.

Another significant provision of the bill would permit the United States to join with other industrialized countries to improve the access of developing countries to our markets. Duty-free treatment would be provided for a broad range of manufactured products now regulated by tariffs in instances where countries in the early stages of industrialization are beginning to enter into world markets.

As we start this Sixth Annual Meeting and plan for the new year, a new challenge for our development efforts—and particularly for the Asian Development Bank—is evident. The hopeful prospects for peace in Indochina should open the way to improvement in the lot of millions who have not known peace for decades. Here is constructive work, not only for the nations represented in this room but for all countries and peoples ready to cooperate.

But the effort will not organize itself. We believe the Bank—founded by Asians, with a mandate to help Asia—can and should play a key role in the needed international effort. We look to the Bank to work with other institutions and to involve diverse donor nations in the process of rebuilding the economies of those countries of Indochina who seek an end to hostilities.

The Bank in fact has already identified specific projects in Laos, the Khmer Republic and the Republic of Vietnam and committed funds for them. Other projects are in the pipeline and should be ready for consideration later this year.

The study of Southeast Asia economies and the regional Transportation Survey sponsored by the Bank show the breadth of its field of activities. Its expertise should aid all who may become involved in the effort to build for peace.

Historically, the United States has long been involved in efforts to bring stability and economic progress in Asia. We have important political and economic relationships which tie us closely to this part of the globe and its energetic and proud people. We intend to maintain those ties, not least by cooperating in the efforts, symbolized by the Asian Development Bank, to build strong economies.

Having said that much it is obvious that, if the Bank is to play its part in furthering the development process, it must be adequately funded. In that respect, pointed and legitimate questions can be directed at the United States. I owe you a full and frank exposition of our position.

Obviously, as with all nations, the ability of the United States to support development finance institutions at any point in time depends on our total economic and financial situation. Budgetary priorities and balance of payments considerations apply to my country as well as to yours. And unlike many other countries, this question of priorities is subject to independent Executive and Congressional review—essentially, funding requests must pass a double hurdle.

At home, the total budget has been under rigorous restraint because of inflationary problems. We have made substantial cutbacks in budgetary allocations from earlier projections for a number of domestic programs. We are not able to meet all the vast demands for added expenditures for such purposes as controlling pollution, rebuilding decaying cities, or assisting poorer American citizens—of whom there are still far too many.

At the same time, when the dollar has been under recurrent attack in world markets, the urgency of restraining overseas spending to help deal with our balance of payments problem is obvious.

Faced with this situation, I sometimes hear persons in less developed countries say that the United States is a big and strong country; it has had a balance of payments deficit for years; it should not worry about its balance of payments now. But we are concerned —and we must be. Weakness of the dollar and monetary instability is not in our interest or yours. The time has long since come to end the deficits that underlie that weakness. We have moved to do so primarily by achieving exchange rate and trading relationships that permit us to compete effectively. But, as part of the process, no foreign expenditure can expect to escape searching review.

I would emphasize the President, in assessing these budgetary and balance of payment constraints, feels strongly that our past pledges to the ADB do deserve priority. The appropriation from the Congress for the long-delayed $100 million contribution to the Special Funds remains high on our agenda. We are also requesting from the Congress authority to provide $362 million of ordinary capital over a three-year period—an amount that would restore our previous relationship among the Bank's members.

We will continue to press for those funds. Nevertheless, I must tell you bluntly that the Congressional prospects—as Congress independently examines the priorities—remain uncertain. We can be optimistic only by demonstrating effectively this Bank's crucial role in building stronger economies in Asia—and thus contributing to a peaceful world.

In that connection, I am gratified by the evidence that, in the past year, the Bank has further increased its effectiveness, working with more member countries, providing more needed expert technical assistance, and—not least—financing more projects. At the same time, I must be candid in saying that, as part of the process of defending budgetary priority for the Bank and assuring future support, certain operational matters need attention.

We have upon a number of occasions cited our concern about the low procurement share United States firms have received from ADB-financed projects—low in terms of absolute volume, low in terms of relative share, and low in trend. I do not say that the situation reflects either deliberate or inadvertent Bank policy—the evidence I have seen is to the contrary. Rather, it was partly a symptom of exchange rates that were out of line. Moreover, in many instances U.S. business may not have been sufficiently aggressive in seeking out the opportunities across the broad Pacific. Perhaps, we in Government have not been active enough in assuring that information about projects and contracts is widely disseminated.

We have now taken steps to repair those deficiencies within our control. We hope and expect to see improved results. We must do so to end what has become a very difficult situation in obtaining legislative and public support.

In this same spirit of candor, allow me to urge that the time has come for the Bank to establish a capacity for independent evaluation of the efficiency and effectiveness with which its funds have been utilized. With eight projects finished—and others nearly so—we are in a position for the first time to raise—and to answer—legitimate questions about the fruits of the Bank's efforts.

After some hesitation, the World Bank and the Inter-American Development Bank have each adopted such "post audit" mechanisms and procedures. This approach can go a long way towards maintaining the full confidence of donor governments. With experience, management itself has come to see the benefits from objective evaluation of their work. In the long run, I believe, recipient countries can only gain as well.

Finally, after six years of operations a review of the Bank's organization and its procedures is timely. We hope the management and the Executive Board will initiate such an effort in the next year.

None of these comments in any sense call into question the excellent job the Bank management has done. It simply means that enough time has passed, and enough experience has been gained, to permit constructive review. Our procedures and methods should be changed to meet current needs in the most effective way.

The world economy has changed in many ways. Over the years since World War II, other industrialized nations have grown into economic strength and stability, able to carry a larger share of the responsibility for advancing the development of others. Some poorer countries have made enormous strides toward self-confidence and self-reliance—while others plainly require a lift from abroad to help break a vicious cycle of poverty, inefficiency, and dependence. Not least are the fresh opportunities and challenge provided by the prospect of peace in Indochina.

All these external changes find their reflection in the internal work of the Asian Development Bank. We press for change within the Bank in a constructive spirit, as we press at home to provide an appropriate share of the resources the Bank requires. Let there be no doubt—we remain committed to the Bank and to the purposes for which it stands.

Thank you.

Mr. WILLIAMS. Mr. Speaker, last April I was honored to be appointed as one of only six Members of the House of Representatives who were chosen to advise the U.S. delegation to the sixth annual meeting of the Asian Development Bank in Manila April 26–28.

The U.S. delegation was led by Under Secretary of the Treasury Paul A. Volcker who was representing Treasury Secretary George P. Shultz, who is the U.S. Governor of the Bank.

During a single week we traveled more than 18,000 miles in Air Force aircraft and visited Alaska, Seoul, Korea, Manila, and Hickam Air Force Base in Honolulu before returning to Washington. That week, while one of the most hectic I have spent in recent years, was an excellent experience.

We learned a number of valuable things, and I hope were an asset to the U.S. delegation in the meeting. Many of our colleagues will be interested to learn that the Asian Development Bank was founded in 1966 to help accelerate economic growth of developing Asian nations. Membership includes 23 Asian nations as well as 14 non-Asian countries. The Bank has nearly $1 billion outstanding in 118 loans.

The Bank has also provided technical assistance to 15 countries totaling $9.8 million, and has financed or contributed to 15 regional efforts such as a regional transportation study.

I wish to take this opportunity to commend our colleagues from the Committee on Banking and Currency, GARRY BROWN, TOM GETTYS and DICK HANNA, and CLARENCE LONG and SILVIO CONTE from the Appropriations Committee for their hard work on this trip.

I urge all of our colleagues to read the excellent and comprehensive report presented by SILVIO CONTE which contains a great deal of very valuable information.

BUREAUCRATIC EUTHANASIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CAREY) is recognized for 30 minutes.

Mr. CAREY of New York. Mr. Speaker, once again we have seen a flagrant example of the Nixon administration's utter disregard for the health of millions of Americans. I refer to yesterday's veto of the emergency medical services bill. This was pioneering legislation, funded at an adequate level, to help public and private agencies plan and operate emergency care systems, and to train personnel and conduct research in emergency medicine. Congress attached a provision prohibiting the closing of eight Public Health Service Hospitals which the administration wants to close. These are valuable institutions and could become model treatment centers, in the hands of an administration that cared about health. I will work to see to it that the first order of business when the House returns from its August recess is a well organized effort to override this thoughtless veto. Congress will have to set the health policy for this Nation since the administration does not have one.

Earlier this week it was my privilege to appear before one of the House subcommittees that will play a crucial vote in setting that policy. I refer to the Public Health and Environment Subcommittee of the House, chaired by the distinguished leader in health legislation, Congressman PAUL ROGERS, of Florida. Chairman ROGERS was joined on the panel by Congressmen PREYER, ROY, CARTER, and HASTINGS—all men who have been partisan in favor of the Congress, in safeguarding and improving the health care available to Americans.

The focus of the hearings is to explore the wisdom of certain administrative reorganizations being planned by HEW and their ill effects on certain categorical health care programs. I took this opportunity not only to declare that these reorganizations are part and parcel of a plan to gradually destroy categorical health care programs, but also to deplore the retrogressive approach and negative philosophy of HEW toward the total spectrum of health research and treatment programs.

What is happening at HEW through impoundment, budget slashing, and destructive reorganizations could bring about the collapse of the American house of health—it is bureaucratic euthanasia. Passage by the Ways and Means Committee and the Congress, of a national health care and insurance program could become a meaningless exercise, if the present health care, education, treatment, and delivery systems are dismantled—fiscally and/or administratively.

Arguments that a national system would be too expensive will be perfectly true, if we permit the ongoing dismantling of present successful health care structures to continue. I urged the committee to place Congress again in the forefront of national leadership for health research and care.

Mr. Speaker, in addition to my extempore presentation, I provided the committee with extensive printed testimony that outlined in some detail my concerns with both the direct effect reorganization might have on maternal and child health care programs, and with HEW's negative leadership in the health care field. I include these statements, and their attachments, in the RECORD:

STATEMENT OF THE HONORABLE HUGH L. CAREY, M.C.

Mr. Chairman, thank you for the opportunity to appear before the Subcommittee this morning. I must be back home shortly in order to accompany Mrs. Carey to N.I.H. for her weekly chemotherapy session. For this reason, I ask that I may read a short preamble and summary of a more detailed statement I should like to be made part of the hearing record.

The necrology, or death-list, of health-care hopes and programs caused by this Administration is practically endless. I find this continued impoundment, budget slashing, administrative legerdemain and equivocation inreasingly outrageous. I frankly take very personally this assault on American health care structures we in the Congress have labored to build over the past few decades.

I know what access to outstanding medical care means to a family. In January of this year Mrs. Carey underwent further surgery for cancer. For the last seven months, week-in and week-out, I've been going out to N.I.H. with her for her chemotherapy sessions. I have seen the expertise, dedication and humanity of that world center of zeal, compassion and hope in health. And while they have not yet tried direct bureaucratic euthanasia on N.I.H., this Administration's track-record of impoundments and cuts for N.I.H. indicates that nothing is safe or sacred.

The Subcommittee on Public Health and Environment is presently looking into the possible ill-effects of certain administrative reorganizations proposed by the Secretary of Health, Education and Welfare. A great deal of the higher echelon, organizational box shuffling has already taken place. However, the focus of these so-called "efficiency" shake-ups has shifted down to units that actually administer health-care programs, such as maternal and child Health Care.

While I shall address myself to these specific changes later in my statement, I should like to comment on the overall disastrous health-care picture now being presented to us by the incumbent Secretary of H.E.W., Mr. Weinberger.

Mr. Chairman, you and I, and many, many of our colleagues have labored long in the tradition of Fogarty, Hill, Laird, and others to build a viable health care structure in this Nation. For decades the Congress has worked to guarantee every American the right to adequate preventive care and medical treatment. Well, I accuse Mr. Weinberger and his associates, of planning fiscal starvation and bureaucratic euthanasia on the health care programs the Congress has funded to serve that right.

Congressman Fogarty, when chairman of the Labor-H.E.W. appropriations Subcommittee, took the floor in the mid 60's and in a series of 60 or so roll calls, placed the House of Representatives squarely in the lead of the Health-care movement in this Country. He overrode objections of two Presidents of his own party in asserting Congressional leadership in the health field. Both he and the ranking minority member of the Subcommittee, Mr. Laird, expressed their concern that the White House should leave legislation on health to the Congress. Once the President and Secretary of H.E.W. present their thinking on how our spending priorities should be ordered, they should devote their efforts to a faithful execution and administration of programs passed by the Congress. Mr. Chairman, we are now faced with a carefully-connived plan within the White House, OMB and H.E.W. to take this Nation's health-care philosophy and practice back to the days of President Pierce, who in 1854, vetoed legislation to help the insane as being constitutionally inappropriate.

We are facing an effort on the part of Mr. Weinberger, and his fellow hatchetmen, to wipe out the Federal commitment to health, education and welfare that was supported so strongly back in 1953 by Senator Robert Taft. The distinguished Republican leader of the Senate during President Eisenhower's first term, in commenting on elevating H.E.W. to cabinet status, stated, "I am very much pleased that we have finally reached our objective. These activities of the Federal Government are tremendously important to the welfare of the Nation." Senator Taft was joined by Senator Humphrey, who echoed his Republican colleague's sentiments.

Mr. Chairman, I think Mr. Weinberger is showing greater temerity than wisdom, in trying to destroy something that brought Hubert Humphrey and Robert Taft into such unaccustomed harmony.

We are now seeing, instead of a renewal of Republican leadership in this vital area of our national life, a calculated and ruthless attempt to give to the Nation what Weinberger helped Reagan give to California—a philosophy of "no-care" backed up by a program of "no care."

Mr. Chairman, I believe the American people deserve better than the intermittent care of "Medi-Cal." Despite what Weinberger and Reagan think, people need more than sunshine to get and stay well. The people of New England, New York, Florida and the rest of the Nation need and expect a national health care system.

But not only does Mr. Weinberger refuse to present Administration proposals on national health care and insurance, he is setting about dismantling the struggling health-care system we now have—a system that took decades for the Congress to build.

The thinking at the White House and H.E.W. is the same. The scorn and arrogance of inhabitants of both, towards the Congress, is bringing a massive clash of these two branches ever closer.

We in the Committee on Ways and Means are presently considering many different proposals for a national health care insurance program. We are weighing proposals such as the Kennedy-Griffiths plan, Medi-credit Ameri-plan, and others. However, passage of whatever plan we devise will be an empty gesture if Weinberger has already destroyed the research, education, and health care delivery systems vital to the successful operation of such a plan.

Mr. Chairman, the American people are waiting for and expecting such a plan and program. In my own district we have a neighborhood health center, serving over 22,000 people. Real economies are being achieved by this type of program as well as by Health Maintenance Organizations which were operating successfully before Weinberger, with no justifications, returned them to the category of uncertain experiments. Medical care is the top item in the Nixon inflation spiral. But Weinberger is dragging H.E.W.'s feet in moving ahead with programs like MIC's and HMO's that will cut the Nation's health care bill.

We all know the necrology of hopes and programs that Mr. Weinberger, hatchetman of H.E.W. has begun. In this past year H.E.W. failed to spend $1.1 billion, or about 25 percent of all funds appropriated by Congress for health programs, other than Medicaid and Medicare.

The Washington Post of this past Saturday, in a front-page story by Stuart Auerbach, puts the lie to this Administration's commitment to a War on Cancer—a commitment launched with so much fanfare—fanfare designed to be a smokescreen for what was really being planned all across the medical research and health-care board.

According to Dr. Rauscher, Nixon's appointed director of the War on Cancer, the cutting back in funds for cancer research

will result in slowing the time in which effective chemical therapeutic agents will get from the research lab to the patients' bedside. Not only will the War on Cancer not get the $640 million it was promised earlier, but funding for the last fiscal year was cut by $59.9 million. The plan for this much heralded War, announced back in 1971, has not even been prepared and sent to the Congress for action.

Other programs have and will fare no better, unless we in the Congress do something about it and do it soon. The National Heart and Lung Institute was given $44.2 million less than the Congress said it should get. The National Institute of Mental Health was forbidden to spend $199.2 million appropriated by Congress. Medical training was cut by $189 million. Nurse training, cut another $69.7 million. Hospital construction and improvement was funded at $195.2 million; they got not a penny of that amount.

Mr. Chairman, the figures for fiscal 1974 and beyond are even more depressing, particularly when you realize some budget figures include transfers from other agencies and funding authorized in previous years.

The National Academy of Sciences has recently analyzed the Nixon-Weinberger nonbudget for Health. For all health programs under H.E.W., excepting Medicare and Medicaid, the National Academy on page 26 of its report concludes, "Thus the net real increase between 1973 and 1974 is $71 million. This increase is not great enough to sustain existing programs at current levels." And we all know what current levels are—they are $1.1 billion less than the Congress said they should be in laws passed by us and signed by the President. I can't help wondering what the combination of billion-dollar impoundments, plus another year of 8% inflation will do to the little over $4 billion "requested" by the President for health. Back in the 60's a rule of thumb was that health programs, particularly those involved in research, needed approximately a 15% increase just to continue operating at the same level. I hardly think this putative $71 million increase, minus a billion or so, will permit much progress.

Mr. Chairman, the assault on health-care by cutting spending and personnel is now full-blown. The next step, by the Administration, is to attack administratively and destroy the effectiveness of various programs from within their structure. Quite frankly, the analogy between what is happening here, and the process by which cancer attacks the human organism, is too strong to ignore.

A recent press story quoted Dr. Arthur Lesser, a 32-year veteran in the health care field, and former director of the Maternal and Child Health Care program. Dr. Lesser, in a statement announcing his protest resignation, declared, "This is the first step in the elimination of categorical programs. It is another disregard for the intent of Congress."

This story, plus information secured from highly respected health care professionals, both in and out of government, prompted my immediate interest in the proposed reorganization at H.E.W. These gentlemen confirmed what Dr. Lesser had stated. This reorganization was designed to strip various categorical support personnel. Leaving the up-graded Assistant Bureau Directors in charge of these down-graded programs, with only five or six "apologists", would effectively kill the programs they were proposing to make more "efficient," among them maternal and child health care.

Mr. Chairman, the second leading cause of death in the United States is birth. Heart disease takes over 700,000 a year; cancer takes about 300,000; stroke—over 200,000; accidents—about 140,000. Infant mortality, however, takes 560,000 lives a year. And while it certainly is not the primary concern here, total lifetime earnings lost through infant mortality approach $90 billions. Mr. Chairman, that is approximately 10% of our GNP being lost, along with the priceless lives of Americans who will never know that name.

We are all aware of the U.S. international standing in infant mortality. It is a needless disgrace for this Nation and an even more needless time of agony for parents looking forward to the lives of healthy, happy children.

The Congress has had testimony from the most distinguished medical scientists, practitioners, and pediatricians in the Nation. They all state unequivocally that the U.S. does have the capability to substantially reduce these figures. We do have the know-how, the techniques, the health care teams, and potentially, the funds needed to see a national maternal and child health care system really work.

Mr. Chairman, dramatic proof of that can be seen in every health care area served by a Title V Maternal and Infant Care project. In my own 15th Congressional District in Brooklyn, the project area of Red Hook showed a reduction of infant mortality from 29.9 per one thousand live births in 1960, to 17.4 in 1971. And, Mr. Chairman, similarly remarkable figures are being achieved all across the Nation. They are being achieved because the Congress has stuck to its guns and has continued to protect these life-giving and life-saving projects from both fiscal malnutrition and eventual starvation, "efficiency" shake-ups designed to deprive these projects and programs of support, morale, and leadership.

Mr. Chairman, in your own district in Florida the West Palm Beach MIC project has reduced infant mortality from 29.2% in 1965 to 22.3% in 1969. MIC projects were initiated in Dade County in 1966 and I think the following figures need no elaboration. In 1967 the birth rate for all Dade County was 14.2; the infant mortality rate for the county was 24 and the mortality rate for the MIC areas was 13. In 1972 the birth rate for all Dade County was 13.3; the infant mortality rate for the County was 16.6 and the mortality rate for the MIC areas was 4, per 1,000 live births.

Figures such as these concerning our own people would seem to be reason enough for us to continue and redouble our efforts to safeguard the work now being done in this vital area and to see that these pockets of adequate health care become, in the next few years ahead, the national system of maternal and child health care we need—a system that will blend with and reinforce whatever administrative and operational structures the Congress establishes for comprehensive national health care.

Mr. Chairman, discussion of anything national in scope necessarily brings into play serious examination of and deliberation on the national philosophy underlying and supporting any national-impact proposal. We are discussing what you, I, and others in the Congress, know eventually will become a national, comprehensive, health care system. And we are discussing this in the context of the various medical research, education, health-care, and delivery systems that Congress has designed, built, and funded over decades, in preparation for just such a comprehensive national system.

However, the distinguished Chairman of the Interstate and Foreign Commerce Committee, Congressman Staggers, has just released figures and correspondence with Secretary Weinberger which display clearly the massive impoundments of appropriated health care funds during fiscal 1973. They, more than any other evidence are an overwhelming indictment of this Administration's lack of commitment to health improving care for all Americans.

A total of $1,095 billion in appropriated funds, released by the Office of Management and Budget, was impounded on authority of the Secretary. Usually OMB does the routine, every-day impounding in this Administration. However, it would seem the present Secretary's good judgment could be relied upon in the managing of these funds mandated by the Congress to make and keep America healthy. It is also significant that while Chairman Staggers initiated his health impoundment inquiry with H.E.W. several months before the end of the fiscal year, the reply from H.E.W. was not sent to the Chairman until well into the first month of the new fiscal year.

Mr. Chairman, the necrology of health-care hopes and programs is practically endless and I find this continued impoundment, budget slashing, administrative legerdemain, and equivocation increasingly outrageous. I frankly take very personally this assault on American health care structures we in the Congress have labored to build over the past few decades.

Time does not permit a discussion of all the failures, backing-and-filling, and misleading statements of this Administration on National health insurance, Health Maintenance Organizations; failures to spend highly publicized funds for cancer and heart and lung research.

However, I would like to outline briefly the recent scenario on securing an extension of project-funding for Maternal and Child Health Care projects funded under Title V of the Social Security Act.

This program comes under the jurisdiction of the Ways & Means Committee because its enabling legislation in 1965 was an amendment to the Social Security Act. Back in 1969, the Congress authorized a change in the method of funding. Health Care allocations were to be given directly to State government under a formula grant mechanism. The states were then to provide funding for health care programs, based on its own ordering of spending priorities.

While the States may well be given credit for good intentions concerning continued adequate funding for Maternal and Child Health Care projects, the liaison between H.E.W. and state health departments was practically non-existent on this funding change.

Secretary Weinberger, subsequent to the extension of project funding for F.Y. 1973, stated in a letter to Ways & Means Chairman Wilbur Mills, dated April 9, 1973, that, "Planning for the changeover is progressing well." (Mr. Chairman, at this point in my statement, I would like to insert in the record a copy of this letter.)

SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 9, 1973.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your letter of February 2 requesting detailed information about the findings set forth in the General Accounting Office report on the program under Title V of the Social Security Act. I appreciate the opportunity to advise you of the steps taken by the Department to assure an orderly transition to the States of the project grant authority in Title V. A detailed response to your questions is provided in the enclosed statement.

Planning for the changeover is progressing well. Draft proposed regulations relating to the programs of projects required for State plan approval by sections 505(a)(8), (9), and (10) of the Act have been developed and sent to the State health agencies for comment. Thoughtful responses have been received from 33 States to date. The draft is being revised to take these into account. Guidelines interpreting program concepts are being developed to help States meet the statutory and regulatory requirements.

The reporting systems have been simplified to adapt them to State usage. Proposed procedures for completing the transition from direct Federal financing to State financing have been developed and will be issued to State health agencies and other project grantees shortly.

Maternal and Child Health Service staff of the Health Services and Mental Health Administration have been working with States and project grantees on problems relating to the changeover since early December, 1972.

We will do our best to make the changeover from direct Federal project grants to provision of services by State health agencies with formula and matching funds as smooth as possible. As indicated in the enclosure, reductions in services may occur in some of the States with large urban areas but services not now available will be provided in other States. We think that these programs have carried out their objectives and demonstrated their value and that States will want to continue and expand effective projects.

Sincerely,

CASPAR WEINBERGER,
Secretary.

Mr. Chairman, that statement can only be called misleading, at best. The staff of the Ways & Means Committee have right now in their possession statements from directors of projects all over the country, stating unequivocally that if project funding is not extended for another year, that meant the end of their program. They stated further that no plans had been made on the state level to continue their programs and that their staffs were leaving, morale was low and they were preparing to close their doors. (Mr. Chairman, at this point I would like to insert in the record the letter I sent to the membership of the Ways & Means Committee concerning project fund extension for these projects.)

JUNE 15, 1973.

DEAR ———:

During the executive session of the Ways & Means Committee held on Tuesday, June 5th, the Committee passed over legislation, (H.R. 7114), to extend project-grant funding, under Title V of the Social Security Act, for Maternal and Child Health Care.

Failure to extend project-funding for these programs will result in either their acute curtailment or effective demise. There are 139 projects in 38 states and two territories. They provide a complete range of medical services for over 800,000 maternity patients and children. These programs have resulted in dramatic drops in infant mortality rates in areas they cover. Preventive medical and dental care programs have also been extremely effective in raising the percentage of those youngsters and infants declared "healthy on examination". The nation-wide value of these programs is beyond dispute.

Should the Committee not provide an extension, total of $28,354,200 will be lost outright to 15 jurisdictions. While it may appear that some states are slated to gain a million or two dollars in overall formula grants, projects, even in those states, will likewise be very seriously affected—some to the point of shutting down all operations.

The Secretary of H.E.W. has assured the Chairman and Committee that a smooth transition can be accomplished in terminating project funding. He notes in his letter of April 9, 1973, that only those States most seriously affected by project funding termination may have some difficulty in adjusting.

However, it is my understanding, based on direct communications received from the directors of many projects, that an extension of at least another year is urgently needed to secure some alternate funding sources for their programs.

While it is hoped that ongoing projects would receive some funding channeled by the States from the new formula grants under Title V, there is no assurance that this will be the case. The Comptroller General has stated there is no way to trace funds to insure they are being used to continue the vital health care being delivered by these projects.

As I mentioned above, project directors, even in those states slated to receive slightly more funding under formula grants, have been able to neither secure alternate funding nor receive assurances from their state governments that funds approaching those needed for project continuation will be forthcoming.

Such statements have been received from the representative region of every Member of the Ways & Means Committee and from the states of all but two Members whose States either do not have projects, or whose participation is slight.

Based on direct statements of project directors and correspondence from the National Association of Maternity and Infant Care Projects, the American Medical Association, and the American Academy of Pediatrics, failure to extend Title V project funding will be a four-fold disaster:

First, the extremely important beginning we have made in both perinatal care and parent education will be lost;

Second, there is no way for the Congress to assure that the States will provide funds to make up for the 85–90% of project budgets now received under project funding;

Third, even if state funding is made available, processing of state assistance applications will cause an hiatus in care;

Fourth, the professional and para-medical staffs serving these projects will be dispersed and all voluntary work and assistance to these teams will cease.

This matter is clearly of vital and immediate concern to every member of the Committee and of the Congress. It is my hope that the Committee will be given the opportunity to reconsider this legislation, thus providing the time necessary to secure alternate methods of funding; restructure the formula of distribution; seek additional Federal appropriations, so that no state or project is even apparently short-changed in their access to funds; or all three.

I have attached a letter from the American Academy of Pediatrics addressed to each member of the Committee, stating the professional judgment of the men most closely associated with these projects and the care being provided over 800,000 mothers or mothers-to-be, and their children.

I urge your favorable consideration of both these letters, and concurrence with reconsidering and reporting this urgently needed legislation.

Sincerely,

HUGH L. CAREY,
Member of Congress.

The letter explains the vital necessity for this extension and outlines what would be lost by failure of the Congress to act before the end of the fiscal year. Where the letter indicates "Insert" a paragraph was inserted quoting the director of a project in the Member's district or representative area as to the disastrous effect of our failure to extend.

(Mr. Chairman, I would also like, at this point, to insert floor remarks of mine during debate on final passage of legislation containing the needed project-funding extension.)

Mr. CAREY of New York. One point, Mr. Chairman: With regard to the State of New York and unemployment compensation insurance benefits and the eligibility factor with regard to our committee's research on this point, again and again I have run into the problem that the geographical area of reporting that covers the statistics is regional, and until we cure that difficulty of the regional reporting, it is very hard to bring New York in under the 4½ percent without heavily increasing the burden across the country in other States that have a level above that level.

Mr. MILLS of Arkansas. I agree with the gentleman from New York.

Mr. CAREY of New York. I think it is something that is beyond the reach of the conferees. One more thing: I want to commend the chairman for his stamina and steadfastness in bringing into the conference, I believe, the provisions regarding maternal and child health care. Many States would have lost on these and few States would have gained if the conference report had not gone into this. It is very important to keep these programs for parental and perinatal care ongoing.

Mr. Speaker, I should like to address some brief remarks to a specific amendment House conferees have brought back in disagreement. I refer to the extension, for one fiscal year, of project funding for Maternal and Child Health Care Centers, contained in the Senate version of the Debt Limit Extension.

I am very gratified that the conferees will permit the House to work its will on this and other vital amendments aimed at helping, in a most direct way, those least able to help themselves.

Extension of project funding for these centers will permit the continuation of these essential health care programs in 139 locations, in 38 States and two territories. Service is provided, just under the Maternal and Infant Care programs, to 800,000 expectant mothers, infants and youngsters.

Failure to provide this extension of project funding under title V of the Social Security Act, would result in the eventual severe curtailment or effective demise of virtually all the centers across the Nation and cost New York City approximately $8 million in the coming fiscal year.

Mr. Speaker, the success of these programs is clearly and magnificently obvious. Infant mortality has decreased substantially in those areas in which a project is operating. In my own district, for instance, the project area of Red Hook showed a reduction of infant mortality from 29.9 percent per one thousand births in 1960 to 17.4 percent in 1971.

Similar results have been achieved in the many projects, 11 in the Metropolitan New York area, throughout the Nation. Intensive care of premature infants has resulted in reductions of up to 25 percent in mortality rates.

Quite frankly, Mr. Speaker, unless the House permits this project-funding extension, funding is just not likely to be forthcoming from the States, and little has been done, to date, to provide for a smooth transition to full formula funding and assurance of adequate state funding for these centers. With no extension, most of these projects will just die, rendering useless over 5 years of progress in a team approach to maternal and child health care. We will also lose what has been gained in parental education in nutrition and hygiene and general perinatal care. These mothers and their children will be thrown back on the medical care junkheap, if we do not instruct our conferees to recede from disagreement to this vital amendment.

Mr. Speaker, the nationwide value of these programs is beyond dispute. Continuation of project funding is clearly of vital and immediate concern to every Member of Congress. I urge overwhelming approval of any motion to instruct the conferees to recede from disagreement to Senate amendment providing for a 1 year extension of project funding for Maternal and Child Health Care programs.

Mr. Speaker, the distinguished chairman of the House Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS), Congressman BURKE, Congressman ROSTENKOWSKI, myself, and other members of the committee and the House, have worked very hard to secure this continuation of project funding. The distinguished senior Senator from Minnesota (Mr. MONDALE) and the chairman and members of the Senate Finance Committee are certainly to be com-

mended for the yeoman duty they performed in behalf of this most important amendment.

My only concern, other than House approval of this amendment, is that the Department of Health, Education and Welfare, that bastion of defense for the rights, needs and equal opportunities of those unable to defend themselves, has begun to dismantle the present administrative structure that has been caring for these and other programs designed to safeguard the health of the American child.

This morning's Washington Post carries a story on page A2, explaining the reasons for the resignation of Dr. Arthur J. Lesser, veteran head of Federal programs for crippled children, infants, children and expectant mothers. Dr. Lesser states, in reply to Mr. Weinberger's assurances that this is merely an efficiency reorganization:

This is the first step in the elimination of categorical programs. It is another disregard for the intent of Congress.

Mr. Speaker, it is with continued shock and outrage that I have witnessed and continued to witness the arrogant destruction of programs the Congress and the American people have labored for decades to build and improve.

What form of callousness inhabits this administration? Is it that they realize they will not be running things come a few years hence and that they must accomplish this seamy and illegal wasting of our health programs quickly and in such a way that their reconstruction will be a long and difficult work for the Congress and any succeeding administration? That would be the only explanation possible for this rampant disregard for the will of the Congress—a Congress, however, that has begun to fight strongly against this form of constitutional subversion.

Mr. Speaker, we have reached the point where the Congress is forced to seek relief in the courts via injunctions and suits to compel the executive to carry out the directives of the elected representatives of the people. I can assure my colleagues that this confrontation is just beginning. But I am sure we will carry it to a successful conclusion—a conclusion that will be effected legally and constitutionally and a conclusion that will restore fully the power of the Congress to legislate for the general welfare of the American people, without the hindrance of an administration supposedly in office to carry out the will of the Congress.

Mr. Speaker, it is my wish to insert at the conclusion of my remarks the Post story concerning the resignation of Dr. Lesser:

HEW Aide Quits Over Nixon Plan

Dr. Arthur J. Lesser, veteran head of federal health services for crippled children and low-income pregnant mothers said yesterday he is quitting to protest Nixon administration plans to break up his agency and make the director a "figurehead."

"This is the first step in the elimination of categorical programs," Lesser said. "It is another disregard for the intent of Congress."

Congress provides funds for some health services by specific category, such as maternal and child health care. The Nixon administration's revenue sharing concept, which does not apply to these programs, lumps the funds together and lets the states decide what the spending categories should be.

Lesser charged that under a reorganization of the Health Services and Mental Health Administration—a unit of the Department of Health, Education, and Welfare (HEW) the child and maternal health programs staff would be reduced from about 160 to six or seven and the other personnel would be given additional duties with other programs.

"There is no place for me in that kind of business," Lesser told UPI. He has been head of federal health services for children and mothers since 1952 and associated with the programs since 1941, but Friday will be his last day on the job.

At age 63, Lesser said he is not ready to retire. "But I certainly wouldn't continue as a figurehead or exhibit a in support of a reorganization of which I thoroughly disapprove," he said.

The General Accounting Office is investigating the reorganization to determine if any Congressional authority has been violated.

Under the plan to take effect next month, HEW Secretary Caspar W. Weinberger said health services will be split into three major units to "increase the efficiency and effectiveness of the department's health programs."

Under the $244 million maternal and child health services program, some 400,000 crippled children, primarily in rural areas, receive medical care each year; 650,000 infants get well-baby care; 2 million to 3 million children receive school health examinations and immunizations, and needy pregnant mothers and children, mostly in big cities, get health examinations, dental care and other services to reduce high rates of infant mortality and promote good health.

Dr. Paul B. Batalden, chief of the bureau in which these services will be located, said there is no intent to phase them out.

"I would not have accepted that job if that had been the case," he said.

This speech includes a press report on the protest resignation of Dr. Arthur Lesser, veteran director of MCH programs in the Department of H.E.W.

Mr. Chairman, this story, plus information secured from highly respected health care professionals, both in and out of government, prompted my immediate interest in the proposed reorganization at H.E.W. that is part of the direct focus of these hearings. These gentlemen confirmed what Dr. Lesser stated in his announcement of resignation: This reorganization was designed to strip various categorical programs, such as HMO's and MCH, of needed professional and support personnel. Leaving the up-graded Asst. Bureau directors in charge of these down-graded programs with only five or six apologists, would effectively kill the programs they were proposing to make more "efficient".

By submitting a budget request already containing 53 less positions, and then moving the remaining professional and support personnel to the office of the Bureau Director, the Department could claim to be streamlining the whole operation, while not actually cutting any personnel through reorganization itself. (Mr. Chairman, at this point in the record, I should like to insert an organizational chart that shows the proposed new disposition of programs and personnel.)

(Organizational chart not printed in the Record.)

This chart makes clear this reorganization effectively deprives these duly approved and funded programs of adequate support and leadership. Again we see an example of this Administration's back-door method of getting rid of programs they don't like. "Just starve them of funds, and personnel, then go to the Congress and say they don't work, the experiment is a failure, and we should cease funding them altogether. Well, Mr. Chairman, I'm sure that if you and I have anything to do or say about it, this will most certainly not come about.

Mr. Chairman, as an expression of increasing Congressional concern over the obvious ill-effects on these six programs within the Bureau of Community Health, 34 of my House Colleagues joined with me in writing Secretary Weinberger. We stated that it is our belief that this reorganization is not aimed at increasing efficiency, but is, as Dr. Lesser stated, ". . . another disregard for the intent of Congress.

We asked if the Department plans to discuss this with the Congress, or, at least, ask informal approval of the plan. We requested clarification of how H.E.W. expects transferred program people to service programs to which they were attached by statute. We also asked how the Department planned to move in light of the recent project-funding extension of Title V Maternal and Child Health Care programs. (Mr. Chairman, at this point in the Record, I should like to insert the dear colleague letter and the letter to Secretary Weinberger.

House of Representatives,
Washington, D.C., July 17, 1973.

Dear Colleague: It is the intention of the Department of Health, Education and Welfare to administratively reorganize the Health Services and Mental Health Administration into the Health Resources Administration and the Health Services Administration.

These proposed administrative changes, as outlined very broadly on page 18260 of the Federal Register of July 9, 1973, would seem to set the stage for what Dr. Arthur Lesser, in his statement of resignation as program director for Maternal and Child Health Care, protested would amount to, ". . . the first step in the elimination of categorical programs. It is another disregard for the intent of Congress." Please see my remarks on Page 22627 of the June 30, 1973 Record (2nd column, last paragraph, et seq.), for further particulars on this issue and the protest resignation of this highly respected, veteran health professional.

As the attached letter to Secretary Weinberger spells out, this "reorganization" would effectively deprive six categorical programs of their immediate support, program and administrative personnel. It would further seem to be in conflict not only with funding and personnel accountability contained in present law, but with the very recent intent of the Congress in providing an extension of specific program funding for Title V Maternal and Child Health Care programs—extension of a *categorical, not formula* method of fund distribution.

It is my hope that you will be able to join with me in this letter to Secretary Weinberger, asking for clarification of the Department's specific intentions with regard to Maternal and Child Health Care, and other categorical programs being lumped together for purposes that may be "efficient" but which have been condemned by deeply worried health care professionals as destructive of the health care goals the Congress intended in creating them.

The specifics of this letter and the attached have the strong endorsement of the American Academy of Pediatrics. Should you wish to join in this letter please call Miss Golden on ext. 54105 by noon Friday, July 20, 1973.

Sincerely,

Hugh L. Carey,
Member of Congress.

Hon. Caspar Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: The lack of current information regarding the proposed reorganization of Health Services and Mental Health Administration into the Health Resources Administration and the Health Services Administration is causing anxiety, and it is hoped that your response to this inquiry might convey Administration proposals as they might affect the effective achievement of program goals directed by the Congress. Specifically, concern is mounting that the new organizational structure will be incapable of fulfilling the purpose for which each individual program had been initially established.

The organization proposed reflects a new Bureau of Community Health Services comprised of Maternal and Child Health, Family Planning, Migrant Health, Neighborhood Health Centers, National Health Service Corps and Health Maintenance Organization. The director of each of these programs will become an Assistant Bureau Director. It ap-

pears that each program will be treated similarly regardless of whether they are equal in scope, history, funding, accomplishments, expectations or mandate. In addition, while the Director of Maternal and Child Health Service for example, maintains apparent responsibility for the program, he has no line authority over employees justifiably employed with Title V funds, since the personnel are redistributed among the various offices, save five or six employees who will work on the Assistant Bureau Director's immediate staff, primarily as apologists.

This reorganization plan, unlike previous plans, appears to dismantle the maternal and child health program components rather than merely give them new administrative superiors. This appears as not only unsound health policy and unwise administrative practice, but a disregard for the populations to be served and the compassionate mandate which established and maintains the MCH program.

This reorganization fails to assure that programs will advance at the accelerated pace which is so vital. The Congress maintains a very active interest in maternal and child health programs, as manifested by the strong support Title V project extension received recently in both Houses. The maternal and child health program has been established for 38 years, and has continued though years marked by distinguished accomplishment. The proposed reorganization is not a solution for the problems of the program, which admittedly may exist, nor would it provide improvement for the program.

The anxiety of the Congress with the new reorganization plan has intensified recently with press accounts regarding the resignations of Arthur Lesser and Dr. Gordon Macleod, two highly regarded program directors. Each official has stated that his resignation stems from the incompatibility of reorganization and program objectives. Dr. Lesser has stated, "This is the first step in the elimination of categorical programs. It is another disregard for the intent of Congress."

In light of the seriousness of this issue, and the relative scarcity of information, it would be appreciated that your response include comment on these questions:

1. Why has no revised appropriations request been submitted to reflect the reorganization?

2. Are there plans to change program allottees as required by Section 36799 of the Revised Statues and the HEW Accounting Manual Chapter 2–10 (6/26/67)?

3. How will each allottee be able to maintain supervision and accountability of personnel working in other offices?

4. Will each office have assigned staff to work exclusively on each of the programs, or will there be an "equivalent time" arrangement to assure that programs receive staff support proportionate to appropriations for direct program operations?

5. What recourse is available to the Assistant Bureau Director when offices are not responsive?

6. What are the long range plans since five of the programs are operating under one year extensions and maternal and child health program is under permanent authority? Is it the ultimate intention to phase out these six categorical programs?

7. Might the Department initiate this reorganization July 1, 1974, after the Congress decides upon the future of these categorical programs?

8. When will the details of the plan be available for public review?

9. Will comments on the plan be solicited and considered before it is initiated?

10. When might the Congress expect to be fully informed of administrative plans?

11. Will Congressional approval be sought?

The Committee on Ways and Means and, indeed, the entire Congress, would prefer to leave administrative organization and detail to the Executive. However, when administrative changes seem imminent, and these changes appear to run counter to the policy intent of the law, it becomes incumbent on the Congress, and even more so on the Executive, to engage in a dialogue which protects the intent of the Congress, maintains the integrity of the programs under discussion, preserves true administrative flexibility, and permits the Executive department in question to retain the confidence of the Congress in like matters.

It is our concern that the Department of Health, Education and Welfare administer all programs mandated to it by the Congress in the most efficient manner consistent with the program goals determined by the Congress. However, it is equally our concern that various categorical and other programs not be done to death through administrative legerdemain—a process that deprives programs of adequate fiscal and administrative support and strong professional leadership and then declares to the Congress that these starving and stumbling programs are clearly ineffective and surely inefficient, and should be terminated or blended with an even more amorphous administrative unit, which itself is earmarked for destruction.

Your early response to both the specific questions and the larger philosophical one is appreciated. Advance communication through this informal means would seem to be preferable to repeated last minute legislative resuscitation by the Congress—action necessarily less well designed than is desirable.

Sincerely,

HUGH L. CAREY,
Member of Congress.

The following Congressmen have added their names to the letter sent by Congressman Carey:

Bella S. Abzug, Joseph P. Addabbo, Mario Biaggi, Jonathan B. Bingham, Edward P. Boland, Frank J. Brasco, James A. Burke, John Conyers, and James C. Corman.

Ronald V. Dellums, Don Edwards, Dante B. Fascell, Daniel J. Flood, Donald M. Fraser, Michael Harrington, Robert W. Kastenmeier, and Edward I. Koch.

Peter Kyros, Lloyd Meeds, Patsy T. Mink, Robert N. C. Nix, Claude Pepper, Bertram L. Podell, Charles B. Rangel, Thomas M. Rees, and Robert A. Roe.

Benjamin S. Rosenthal, Dan Rostenkowski, William R. Roy, Fernand J. St Germain, Paul S. Sarbanes, Patricia Schroeder, Frank Thompson, and Charles H. Wilson.

Mr. Chairman, it is my firm belief that Congress is beginning to realize that if we are going to achieve anything in dealing with this Administration we must actively assert our leadership. Instead of waiting months, as is the case with the recently proposed plan for heart and lung research and treatment, we should demand that the executive meet deadlines contained in the law or Congressional requests.

A special to the Sunday New York Times by Harold Schmeck discussed the Administration's plan for heart and lung disease. This plan, required by law, unbelievably, was disowned by H.E.W. in the letter of transmittal. In Mr. Carlucci's words, the plan does not take into consideration all our other research needs. And increasing the funding by the needed $46 million would deprive other projects of their funding.

Well, it is my hope that the Congress will provide the extra $46 million. We can get a million, two-hundred thousand from the White House contingency fund. It is my understanding Congressman Steed feels the President has no need for this amount in a non-election year. Not only should we provide this extra funding, but we should watch it closely and, if it is impounded, take the Administration to Court forthwith.

In reasserting our leadership in health, the Congress has enjoyed extraordinary success. But that is to be expected when we go to court—after all, we do have the law on our side. A regular flow of court decisions has continually scored the Administration for playing at being a legislative body. In cases for housing, health, highways, education, pollution control, mental health centers, and Neighborhood Youth Corps, funding has been mandated by the courts.

Mr. Chairman, let's keep a good thing going. The Administration has thrown itself off-kilter. I don't mean to suggest the Congress kick them while they are down, but the opportunity for Congress to reassert itself has arrived. Weinberger and company have demonstrated their bankruptcy of commitment to people and, particularly, people in need. I suggest we capitalize on their legal and ideological nakedness and proceed to legislate as we see fit.

We have been gentlemen; we have behaved in an absolutely impeccable manner; we have attempted every possible means of compromise and consensus. Well, we now know it won't work and if we don't get moving in this particular area of health, there won't be anything much left to save, when this Administration departs for their sunshine sanctuaries and leave us standing in the wreckage.

Mr. Chairman, I am appearing before your Subcommittee to express not only my concern for these specific health-care sabotage efforts of the Administration. I also wish to acknowledge the proper jurisdiction and leadership of this Committee in the health care field.

We need this Committee's leadership in moving ahead on the research and treatment frontiers of medicine. We also need your leadership in this period of crisis—a crisis the Administration has provoked and designed—a crisis that could leave us with nothing but quicksand as a structural basis for building a national health care and insurance system.

Right now we still have the concrete bare bones of the structure we will need. But if we permit this Administration to continue their depredations, we may very well be left with nothing, and arguments that a national health care system is too expensive may very well be perfectly true.

Mr. Chairman, I request inclusion of my printed statements and attachments in the record. And in closing, I should like to present the Committee and the Congress with this advice from Macbeth, (V.7), "And be these juggling fiends no more believed, that palter with us in a double sense; that keep the word of promise to our ear, and break it to our hope."

Thank you, Mr. Chairman.

REMOVE FREEZE ON BEEF NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the price freeze of June has been replaced by economic controls designed to eventually get us out from under controls in a way that will hopefully slow inflation and return us to a strong economy.

The impact of the President's phase IV program is far reaching.

Under the new rules, the freeze was lifted on food prices, except for beef. Beef prices are frozen until September 12. This has created a real problem, because those who raise cattle are holding them off the market until September 12. This has created a greater demand for pork and poultry which has forced the price up even higher.

I have urged the President to remove

the freeze on beef now so we can relieve the pressure and get beef back in the grocery stores.

The lid is off prices on rents, rates for electricity, water, heating gas, phone service, lumber, and much of the soft coal that is sold in this country.

Some service stations may be required to trim gasoline prices starting August 13, but generally, limited price increases will be permitted for gasoline, diesel fuel, and heating oil.

Costs of most other goods and services, under the new rules, are expected to move higher after mid-August.

Physicians' and dentists' fees are to be held to a rise of 2.5 percent a year. Hospital and nursing home rates cannot go up more than 6 percent a year without special rulings.

Wages, including fringe benefits, will keep rising at rates ranging up to 7 or 8 percent a year without serious objection from the Government.

Businessmen face a squeeze on profit margins under rules that will limit the extra costs they can pass along to customers.

Overall, the cost of living has resumed its climb now that the freeze has ended but, after the initial bulge, probably at a slower pace than in the opening months of 1973.

The new regulations are based on the theory that increases in supplies and a slowing of the boom will eventually bring inflation under control.

To oversee all this, there will be an additional 1,200 people to comb through reports and look for violations. This is more people, in total, than at any time since controls were imposed in August 1971.

Around the country, the lifting of the freeze, in stages, already is being felt by housewives. Officials warn that still higher grocery bills are inevitable.

I am hopeful that the President's phase IV program will be successful. It is easy for us to criticize the President when something like inflation occurs, but it is difficult to come up with a better answer. Economists cannot always agree. Great minds cannot always agree, either. The truth is that there is probably no right answer.

It would have been best if many years ago Government had never become involved in trying to control the economy. But Government is involved, and it has been involved now for so long in so many facets that almost anything pertaining to the economy breaks down to some type of Government action or participation.

I suppose the biggest problem with Federal price controls is that there always has to be a day of reckoning when the controls are lifted and the prices start to go up again.

The quickest and easiest answer to much of the problem is for Congress to stop spending more than it takes in. This, I believe, is the biggest factor of all in the inflationary spiral.

PROPERTY TAXES TAKE TOLL ON OLDER POPULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 5 minutes.

Mr. STEELE. Mr. Speaker, today I am introducing legislation which will, if enacted, go a long way toward alleviating the terrible financial and psychological toll that property taxes are taking on our older population.

This bill would give an individual 65 years or older a credit against his Federal income tax of up to $800 for all or part of property taxes paid, or an equivalent portion of rent upon his or her principal residence. The low-income person with a credit exceeding his Federal income tax due would receive a cash payment in the amount of that excess up to the $800 ceiling. A unique and important feature of my bill requires the Secretary of the Treasury to undertake a concerted effort to seek out and inform low-income individuals who might not otherwise file tax returns that they might be eligible for the credit.

The amount of relief is scaled down as income rises with all relief phasing out at $11,000 income.

As chairman of the House Republican Task Force on Aging, I would argue that while no Member of Congress has escaped the public outcry against rising taxes, we have not been cognizant enough of the especially difficult burden faced by these older citizens. In its 1973 report, the Senate Special Committee on Aging stated that while the typical urban family of four pays 3.4 percent of family income on property taxes, homeowners over 65 pay an average of more than twice that, or 8.1 percent of their incomes in real estate taxes.

Mr. Speaker, allow me to cite a few facts that show why the elderly homeowner's situation is a special one and why recent steep property tax increases have hit aged property owners harder than the rest of the population. First let me point out that some 70 percent of those over 65 are homeowners. They spend an average of 34 percent of their income on housing, but the average income of the elderly is very low, averaging $3,449 for men and $1,706 for women. Recent property tax rises have hit these low-income older Americans especially hard. A recent study by the Advisory Commission on Intergovernmental Relations based on 1970 census data reveals that aged homeowners living on less than $2,000 a year pay almost 16 percent of their incomes on property tax. Moreover, an estimated 1.5 million elderly homeowners with incomes below $7,000 pay more than 10 percent of their income in real estate taxes.

These statistics suggest the extent of the problem, but what happens to these people in real life is truly tragic. Desire to retain their incomes, independence, and familiar environment leads them to liquidate their assets to pay ever rising taxes; or, even worse, inability to pay the tax bill forces them to sell their homes, uproot their lives, and move in with their family or search for scarce apartment units.

Being forced out of one's home due to high property taxes is particularly inequitable to the elderly who have paid taxes all their lives and who no longer use the school system. Moreover, losing one's home is especially difficult for the aged, because of the special importance of a familiar and supportive environment and the lack of suitable low-income elderly housing.

Mr. Speaker, in 1949 we pledged to provide a decent home in a suitable living environment for every American family. In order to fulfill this pledge we must help those citizens who are unable to help themselves to maintain the decent home that they worked many years to buy and maintain, in which, in most cases, they raised their families, and which represent a key factor in their continuing ability to live happy, independent lives.

REPRESENTATIVE KEMP CALLS FOR A DEESCALATION OF IMPEACHMENT RHETORIC OVER CAMBODIA AS MELVIN LAIRD EXPLAINS AMERICAN BOMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, one need not debate the pros and cons of America's recent role in Southeast Asia in order to recognize just a few years ago the common desire of all Americans for peace in Southeast Asia—for an expeditious return of the POW/MIA's, as well as the speedy and safe disengagement of America's 549,000 ground troops from South Vietnam.

At the time of President Nixon's coming to office in 1968, there were no plans to win the war, no plans to get out. He sought to extricate America from South Vietnam while at the same time preserving our credibility, honor, and commitment of helping South Vietnam defend themselves from being overrun by Communist North Vietnam.

Four and one-half years later, those goals, fragile as they may be, have been to a large extent realized. And rather than receiving the thanks or at least the respect of some of his critics, the President is being accused of somehow surreptitiously bombing Cambodia in 1969 and 1970 for purposes other than the protection of American troops, the accomplishment of our very limited goals in Indochina and without the request of the Cambodian Government.

Even beyond that criticism we have some who advocate that the President should be impeached for having bombed in Cambodia—as if we were bombing in Cambodia against Cambodia instead of against the massive concentrations of North Vietnamese who were there in total violation of the 1954 Geneva accords. In protection of Cambodia's neutrality, Prince Sihanouk indeed asked for America's help in 1968 and 1969 in removing North Vietnamese from Cambodia, but for diplomatic reasons he asked that we not publicize our efforts and this was adhered to reluctantly by our President.

But, as Melvin Laird, Counselor to the President, former Secretary of Defense, and Congressman, very articulately stated on the Today Show, August 1, not only were the purposes of our bombing

justified, but key congressional leaders were apprised of the bombing. Mr. Speaker, the Nation's top military officer during the time of the 1969 and 1970 bombings in Cambodia, retired Gen. Earle G. Wheeler, has stated that these key Members of Congress included Senator Richard Russell, Senator Everett Dirksen, Representative Mendel Rivers, Senator JOHN C. STENNIS, Representative LESLIE ARENDS, and Representative GERALD R. FORD. Having just returned from a trip to Cambodia I can say most assuredly that it is only America's help that has given any hope at all to Cambodians for interference from Hanoi.

I am certainly in favor of a reassertion of congressional authority under our Constitution—and the goals and methods of foreign policy should without doubt be among our top priorities—but I strongly urge my colleagues to call a cease-fire in the war against President Nixon's efforts to provide for a stable, independent and non-Communist Indochina. I also ask that there be a de-escalation of this impeachment rhetoric over Cambodian bombing that is so harmful to our bipartisan attempts to bring about a more stable and peaceful world.

I would like to enter into the RECORD at this point, Mr. Speaker, the interview of Mr. Laird by Mr. MCGEE. I would like to ask that all my colleagues read the statement by the very able Counselor and our former colleague in the House:

AN INTERVIEW WITH MELVIN LAIRD, COUNSELOR TO THE PRESIDENT, FOR DOMESTIC AFFAIRS, WITH FRANK MCGEE, DICK VALERIANI AND BILL MONROE

Mr. VALERIANI. Mr. Laird, you ordered the secret bombing of Cambodia, you and the President. You said at the time you were not responsible for the falsification of records but, in ordering the secret bombing, didn't you put people below you in a position where they felt there was no alternative except to falsify records? They couldn't disguise the fact that hundreds of thousands of tons of bombs were dropped.

Mr. LAIRD. First, as Secretary of Defense, I never condoned, permitted, authorized or ordered the falsification of any record, and I would reject that outright. I would not permit it. I think it is important, though, for you to put the—I did authorize the bombing.

Mr. VALERIANI. Was the bombing supposed to be secret?

Mr. LAIRD. The bombing was authorized for two very important purposes. It was authorized in March of 1969. I had been Secretary of Defense for the period of about two months, and I had come into this situation from my work on the Defense Appropriations Committee where I had questioned Secretary McNamara, Max Taylor and others.

In 1964, I questioned Secretary McNamara and Max Taylor on why the Cambodian sanctuaries weren't being hit because they were being used. And, Secretary McNamara and General Taylor indicated at that time that militarily it would be a good thing, but they felt that it might bring China into the war, and the Cambodians would invite the Chinese.

We were losing—when I became Secretary of Defense—from 300 to 250 Americans a week, and the sanctuaries were being used for the North Vietnamese and the Viet Cong to go across the border and hide in the nine-mile area, to reply, all of their supplies were there, and come back over and attack Americans.

Our Americans were not able to go into those sanctuaries, were not able to protect themselves. I felt it was absolutely essential as Secretary of Defense, and the President concurred with this and ordered me to do everything I could to reduce American casualties.

Mr. VALERIANI. Excuse me——

Mr. LAIRD. So, we authorized the bombing of the enemy-occupied territory in Cambodia.

Mr. VALERIANI. Now, I would like to ask you why don't you trust the American people enough to tell them?

Mr. LAIRD. Well, I will tell you that.

I would like to give the other reasons for the bombing but, basically, the bombing was authorized so that we could cut down American casualties and permit the withdrawal of Americans because my objective, as I took over as Secretary of Defense for President Nixon, was to withdraw the American forces.

For the last four years, every month we had been adding Americans and casualties continued to grow. We wanted to withdraw Americans and reduce casualties.

Why didn't we tell the American people that the bombing was going on? Your question. The answer to that particular——

Mr. VALERIANI. Let's get into the secrecy matter in a moment. We will ask you a couple of questions and come back to this topic in just a moment.

Right now, back to Frank.

Mr. MCGEE. We will be back after this message.

Mr. MONROE. We will return to Washington and continue our conversation with Mr. Melvin Laird in just a moment. So don't go far.

Mr. MCGEE. President Nixon's Counsellor for Domestic Affairs, Mr. Melvin Laird, is in our Washington studio with Today Washington Editor Bill Monroe and NBC White House Correspondent Richard Valeriani, and, Mr. Laird, you have said why you ordered the secret bombing of Cambodia in March of '69 when you were Secretary of Defense and the question before you is, Why this had to be secret, why the American people were not told. The question was posed by Richard Valeriani. Would you please continue?

Mr. LAIRD. The reason that we—for diplomatic purposes, the reason that we did not release the strikes, except in the channel reporting to the Chairman of the Joint Chiefs, to me, and to the President, and we used that separate reporting channel on these particular strikes. The same was true of certain strikes as far as Laos was concerned but these particular strikes were reported in this manner because of the diplomatic sensitivity of the situation.

As I told you in '64, Secretary McNamara and General Taylor testified that it was sensitive to go into the sanctuary areas because the Cambodians might invite the Chinese in and that testimony was given to our committee back four years before I became Secretary of Defense, but I listened to it as a member of the committee.

But the diplomatic sensitivity of the situation was that Sihanouk would have to condemn the actions of the United States in the North Vietnamese occupied territory just across his border and would have to call for the halt of such use of American air power in the area. And, because of that diplomatic sensitivity, a special channel of reporting was set up and I approved this separate reporting system.

Now, the implementation of the reporting system, of course, was handled in the military chain, but I did approve the top secret security classification in reporting channels because of the diplomatic sensitivity.

Now, this was agreed to by every member of the National Security Council. It was felt that the diplomatic sensitivity was such that this separate reporting channel directly to the Joint Chief, to me, and the President of the United States was authorized under these conditions. But the primary reasons for the strikes was to protect American service personnel, to reduce casualties.

And every week while those strikes were going on in the sanctuary areas, our casualties went down in Vietnam. And I believe that I can justify beyond any question of a doubt that the reduction of the loss of American life justified the recommendation which I made to the President of the United States and was approved by him for these particular strikes. It also made possible and assured the success of our withdrawal program and the American people, and all those that criticize those strikes today, should realize that we had a troop ceiling of 549,500 at that time and our casualty figures were running from 250 to 300 a week.

Mr. VALERIANI. Mr. Laird, is that the way the government is supposed to be run? You have talked about being a member of the committee and getting information from the Executive Branch which you withheld from Legislative Branch in this case.

Mr. LAIRD. Yes, in periods of war we have to do certain things.

Take the Manhattan project. That was during a period of war. There were five members of the House and five members of the United States Senate—

Mr. VALERIANI. Did anybody know about this bombing?

Mr. LAIRD. Yes, they did and they were briefed on the Hill. The various people that I had a direct responsibility to as far as the chairmanship of the committees that were involved with the Department of Defense, this is very difficult to make a choice as to who is briefed and who is not briefed.

Mr. VALERIANI. Is it true that the House was briefed?

Mr. LAIRD. Then there is the responsibilities. It is the responsibilities of that particular committee chairman to make that decision as to who he will share that information with. It is very difficult situation.

I was on a special committee that handled appropriations for the CIA when I was in the Congress and I served with some very distinguished members of Congress. It is a special responsibility to bear as a member of Congress.

There should be some better system set up in which we can carry on these kinds of operations when the national security of the country is involved, when the protection of American lives is involved, when the withdrawal of American forces is involved.

Mr. VALERIANI. Mr. Laird, don't you have some responsibility, even though you did not order it, for the actual falsification of records in the sense that you ordered a massive bombing campaign that lasted over 14 months and you told your people it had to be secret? How were they going to cover it up without falsification?

Mr. LAIRD. Well, I will say that the falsified report which was sent to the Congress 90 days ago was a mistake and I do not know how that report was delivered to the committee. All of the figures should have been made public and included in the report going to the Congress.

Back in 1969 and 1970, there was a reason for the classification. It was a "snafu", a mistake for the Defense Department to send that report to that Congressional committee just 90 days ago and I do not defend that action.

Mr. VALERIANI. The falsification was all right while the bombing was going on, but we don't need to do it any more.

Mr. LAIRD. There was no falsification. The separate reporting channel was all right while the bombing was going on, and prior to our entry in crossing the border. As a matter of fact, when we went into Cambodia with ground forces, I stated in my press confer-

ence at that time at the Pentagon that bombing had been going on in the sanctuary areas, and I admitted it publicly.

I can also point out to you that the New York Times, Bill Beecher, back in 1969 reported on the bombing. First, it was reported in the London Times, and then in the New York Times. When I was asked about that particular bombing at that time, I did not falsify any statement.

I "no commented" it because I could not either deny or confirm, so I "no commented".

Mr. VALERIANI. But the President himself——

Mr. LAIRD. That was in Bill Beecher's story.

Mr. VALERIANI. But the President himself, Mr. Laird, told the American people that we had not moved against the sanctuaries in Cambodia——

Mr. LAIRD. That is correct, and he was talking about ground combat forces.

Mr. VALERIANI. But moving against does not necessarily mean ground combat.

Mr. LAIRD. The only action that we had in the sanctuary areas of Cambodia and in Laos prior to the actual movement of American ground forces was special intelligence gathering teams.

As a matter of fact, right now we are going through—we lost certain members of the special intelligence gathering activity teams in Cambodia, the so-called MACSOG teams in Cambodia and Laos.

We are now going out and notifying all of the parents of those special intelligence losses, and the reason we are doing it now is that each of those sites under our missing in action site certification where death took place, this whole survey on the missing in action is going forward, and those particular families are being notified where their loved ones were lost in Cambodia, Laos and also in other places.

Mr. MONROE. Thank you very much, Congressman (Ret.) Mel Laird, and now Counsellor to the President.

Thank you, Dick Valeriani.

Back to Frank.

Mr. MCGEE. And our thanks as well.

SALUTE TO HON. ROBERT N. C. NIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 15 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I would like to salute our fellow colleague and friend, the Honorable ROBERT N. C. NIX of Philadelphia. The members of the South Carolina delegation look upon him as the "seventh member" of our State despite his close attention and faithful service to our northern friends.

Mr. NIX, you see, is a son of South Carolina, born and reared in Orangeburg. It was Philadelphia's gain and South Carolina's loss when he decided to move north.

Even though he has been away from the Palmetto State for many years he is still remembered. BOB NIX commands the utmost respect and deepest esteem of the South Carolina delegation and I think the following article will show we continue to hold him in the highest regard:

PHILADELPHIA CONGRESSMAN HAS RICH MEMORIES OF ORANGEBURG

(By Lee Bandy)

WASHINGTON.—The name Robert N. C. Nix probably doesn't register with most South Carolinians.

That's not too surprising.

Nix, a black man, left the Palmetto State and his family at the age of eleven to seek a better education.

He didn't feel he could obtain good schooling in the then all-black system, so he headed for New York City.

Today, Nix is one of five U.S. Congressmen from Philadelphia, Pa., having represented the Second District for 16½ years.

But he left his heart in South Carolina.

"It's still home as far as I'm concerned," said Nix, reflecting on 67 years of life. "No matter where I go, all my cherished memories are connected with Orangeburg."

That's where he was born Aug. 9, 1905.

Nix said Dr. Sheckard, the white family physician whose first name he couldn't recall, delivered him at home—120 E. Amelia Street.

"It was a lovely place with a big yard. There we learned how to play football and baseball. Oh, boy," he exclaimed.

The home was about two blocks from S.C. State College where his late father, Nelson Cornelius Nix, served as vice president and mathematics department head.

Nix, the only one of four children living, attended primary and elementary school at Claflin College.

With $95 in his pocket—the amount he had earned and saved in a drawer at home—Nix set out to attend high school in New York in 1916. He was eleven. Of course, high school then only went to the 10th grade in most areas.

"The Orangeburg schools were not as efficiently structured as the ones in the North at that time. That was a recognized fact," Nix said.

He could have stayed with an older brother in New York then, but Nix elected to live alone.

"I got a room in Harlem for $3 a week. Can you imagine that?" Nix remarked.

The Orangeburg native spent the summer traversing Manhattan from the Hudson to the East Rivers.

"I got up every morning at six and started my pilgrimage into upper New York City to familiarize myself with the directions," he recalled.

During the course of those hikes, he said, he met a lot of West Indian blacks working as doormen at apartment complexes. Nix remembered one in particular who took him in and taught him how to operate an elevator and switchboard.

"Consequently," he said, "I got a job doing that during the summer."

The end of August came and the start of school was drawing nigh. Nix now 12 years old, knew nothing about the New York school system.

So one day, he recalled, "I stopped a patrolman on the beat and told him I was a stranger and wanted to know something about the public school system. He directed me to Townsend Harris Hall High School.

"I want in and saw the principal, talked to him, and he became interested. He wrote to South Carolina for such credits that I had and I was admitted."

Nix subsequently attended Lincoln University in Chester County, Pa., and the University of Pennsylvania Law School. He started practicing law at the age of 20.

Nix never had any doubts about making it.

When he was seven years old, he recalled, his father discovered errors in an algebra textbook and so notified the publishers. They withdrew it.

"Newspapers went to South Carolina to commend him for that," Nix remembered. "That impressed me deeply. Here's a black man able to correct an algebra textbook.

"From then on, I knew I would have no difficulty in doing anything I wanted to do. It convinced me that there is no difference in the capacity of men to achieve."

After completing his undergraduate work, Nix applied—and was accepted—for admission to Harvard, Yale, the University of Chicago, and the University of Pennsylvania, considered to be the four best law schools at that time.

Nix chose Pennsylvania over the others because "I knew no one in Philadelphia. I determined that was the place for me because I knew there would be no distractions."

He recalled that some friends advised him, "you're crazy to go there because no black has finished a regular course at the University of Pennsylvania for 25 years, which was true.

"I said, 'If they didn't finish, they didn't study.' So, I went. I had no trouble whatsoever."

In 1925, shortly after completing law school, Nix started his own practice and became engaged in Democratic politics. "There were very few black Democrats around then," he remembered.

He was a deputy attorney general of Pennsylvania twice (1932 and 1940). And in 1958, the leader then of the Philadelphia Democratic machine, the late William Green, approached Nix and urged him to run for Public Office.

"I told him I wasn't interested," Nix said.

But Green pressed him, saying it was for Congress.

"I told him I still wasn't wildly interested," Nix recalled. However, after sufficient pressure, Nix agreed to run and has been returned by his constituents ever since. He's now on his ninth two year term.

Nix is the fifth ranking Democrat on the House Post Office and Civil Service Committee and seventh ranking on Foreign Affairs. On the latter, he serves as chairman of the important subcommittee on Asian and Pacific Affairs.

Nix is a distinguished looking gentleman and a natty dresser. This day, he was wearing a pin-stripped gray flannel suit with maroon tie and handkerchief. A stone-studded American flag was lodged in his lapel.

Constantly puffing on his pipe, the soft-spoken Nix appeared to enjoy recalling his early days in South Carolina and comparing them with the situation now.

Since he left the state in 1916, he's only had the occasion to return a couple of times. And that was to bury his parents, both of whom are interred in the family plot in Orangeburg.

The last time he was home, he said, was in 1945 to visit his seriously ill father.

"The doctor advised me that the type of facilities required for my father were not available at home then. We had segregated hospitals as you know. So, I took my father to Philadelphia to place him in the best hospital. And he later died," Nix told the State Newspaper in an hour interview. His mother died in 1928.

Nix, now separated from his wife, has one son, Robert Jr., who currently is an associate justice on the Pennsylvania Supreme Court, the first black to hold such a position in that state.

Nix believes he probably would have returned to South Carolina in the 1920's had the racial situation been what it is today. When he was coming up, he said, the education system was poor and opportunities for advancement were virtually non-existent.

But Nix holds none of this against South Carolina, or the South for that matter.

"I think the South is in fact leading the way for America in the sense of extending equality and understanding among men.

"I'm convinced of this . . . The South is showing the way for change more than any section of the country. I have no doubt about it at all," he said.

Nix also continues to have a soft spot for Orangeburg.

"We had a beautiful home life. That's where a man learns the value of life. That's where beauty is. That's where a man learns to plant flowers. That's where he learns relationships. These are things of infinite value to any man. The memories of Orange-

burg are rich and ever present in my mind, Nix said.

The Congressman also spoke very highly of the S.C. House delegation, specifically, Rep. W. J. Bryan Dorn, D-S.C., of whom he remarked, "I hope he's your next governor."

Nix recalled that when he was a junior member of the House Veterans Affairs Committee, Dorn, an established colleague, called and invited Nix to chair a meeting.

"I wasn't even next in line. But Dorn's kindness was evidenced in that way. It's one of the funniest things that's happened to me. He might have forgotten that, but I haven't," Nix commented.

With respect to other S.C. members, the black Orangeburg native said, "they are extremely cooperative and friendly. I suppose my relationship, the closeness of it, is accentuated by the fact that I am from the South and South Carolina."

But he stressed, "Their hospitality is not 'patronizing.' It's nothing like that at all. We're friends because we respect each other."

Nix regrets he hasn't had the time or opportunity to visit South Carolina since coming to Congress.

"I've learned that one of the most important functions of a member is to take care of his constituents. Each week I see at least 200 of my constituents and listen to their troubles and seek every way possible to take care of them. I've done that all over the years.

"That being the case, I don't have time to go all over the country speaking," Nix said.

Nix's congressional district is about 42 per cent white, mostly Jewish, with the rest being blacks and Puerto Ricans.

He tries to treat them all fairly.

DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND SWEDEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, today 23 of my colleagues join me in introducing a resolution noting the absence of a U.S. Ambassador in Stockholm since August 1972, and the absence of a Swedish Ambassador in Washington since January of this year.

We feel that diplomatic relations do not depend upon or connote approval of the views of the governments involved. And we feel that, in the language of our resolution—

> The United States Government and Sweden should restore their normal friendly relations, and confirm this return to normalcy by appointing and dispatching ambassadors to their respective capitals on an immediate basis.

While there may be political, economic, and social differences between our nations, the United States and Sweden share a fundamental belief in what we commonly call "Western values." These values are the bedrock upon which our societies rest. Our good relations with Sweden ought to depend on the continued dedication in each nation to these values. I am unaware of any recent evidence that the dedication of our Swedish friends to these values is flagging.

A list of the cosponsors of this resolution, originally introduced by Senator HUMPHREY in the Senate July 20, follows:

Herman Badillo of New York.
Ken Hechler of West Virginia.
Henry S. Reuss of Wisconsin.
Michael Harrington of Massachusetts.
Robert F. Drinan of Massachusetts.
Robert N. C. Nix of Pennsylvania.
Frank E. Denholm of South Dakota.
Henry Helstoski of New Jersey.
Shirley Chisholm of New York.
Benjamin S. Rosenthal of New York.
William S. Moorhead of Pennsylvania.
Paul N. McCloskey, Jr. of California.
Patricia Schroeder of Colorado.
Lloyd Meeds of Washington.
Thomas M. Rees of California.
James F. Hastings of New York.
John Conyers, Jr. of Michigan.
Bob Bergland of Minnesota.
George E. Danielson of California.
Bella S. Abzug of New York.
Don Edwards of California.
Ronald V. Dellums of California.

ENERGY SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 60 minutes.

Mr. WAGGONNER. Mr. Speaker, by now, it should be apparent to all that there is an energy shortage in the United States, and, more particularly, a petroleum shortage. This situation has been highlighted by the continuing series of reports about the closing of schools in Denver last winter due to a shortage of heating oil, a lack of supply of natural gas to the University of Texas, a scarcity of fuel for farm tractors, and the present shortages of gasoline in local service stations.

As a result of such occurrences, there is a growing crescendo of allegations that the present tight supply position, particularly for gasoline, has been contrived by the major oil companies so that they can use this situation to reduce competition by driving the independent marketers and refiners out of business, thus enabling them to raise prices and increase their own profits. Many who have made such allegations propose, as the remedy, legislation to prohibit any company from participating in more than one sector of the industry—production, refining, marketing, and transportation.

There is not one shred of truth to such allegations. Those who make the allegations provide no factual supporting data, but only circumstantial judgments. In fact, there is such an abundant accumulation of evidence to the contrary that it can only be concluded that the authors of such statements are uninformed and biased and are not serving the interest of the Nation as a whole.

There is an energy shortage. It is real, and it will get worse before it gets better. The reasons for the shortage are many, are complex, and are interrelated. They include the increased cost and difficulty of finding additional domestic reserves, environmental problems involving nuclear energy, coal, and petroleum, and an increase in growth rate in consumption due to environmental factors and a resurgent economy. To attribute the shortage to any specific cause is inaccurate.

The Nation does have the capability for resolving this shortage, but only through a number of extensive programs for producing more energy and for using energy more efficiently. Allegations such as those mentioned above will only delay and enervate such a national effort. Establishment of the necessary programs for increasing production of all forms of energy are of critical concern to each of us, for inadequate energy supplies on a continuing basis will have a major disruptive effect on the economy. Bluntly stated, without adequate energy supplies, the Nation will not be able to provide the necessary food, goods, services, or employment needed to maintain the present standard of living—let alone improve it.

Concern about energy supplies is not a recent development. There were many in the 1960's who foresaw the present situation. The Office of Science and Technology, in 1964–65, in an extensive report on energy, predicted that the rapid increase in demand for petroleum and gas would result in a shortage of domestic supplies of those fuels. On January 20, 1970, the Assistant Secretary of the Interior requested the National Petroleum Council to undertake a comprehensive study of the U.S. energy outlook from now until the end of the century. An interim report on the energy situation was submitted by the Council in July 1971, and the final report in December 1972—representing the most comprehensive analysis of the national energy situation yet available, and involving several hundred man-years of effort.

In May 1971, the Senate adopted Senate Resolution 45, initiating a national fuels and energy policy study. Since that time, thousands of pages of testimony on the energy situation have been accumulated by various congressional committees from representatives of every aspect of our society. In June 1971, the President sent to the Congress the first message on energy policies ever submitted by an American President. In March of this year, an energy policy statement was issued jointly by the American Gas Association, the American Petroleum Institute, the Atomic Industrial Forum, Inc., the Edison Electric Institute, and the National Coal Association. The initial paragraph states:

> The United States is faced with a growing energy problem which has the potential of developing into a major national crisis. Public awareness of this is vital to its resolution.

There can be no question concerning the validity of this observation.

On April 18, 1973, the President issued his second message devoted exclusively to energy policies, and on June 29, 1973, he issued a supplemental message. These messages included a broad analysis of the energy problem, and recognized the vital role which the Government must play if these problems are to be solved. These two messages included nine specific recommendations for required legislation, and 13 specific proposals for administrative action—all of which were stated to be necessary to alleviate the energy shortage. To date, the President has already moved on a number of the administrative programs, including principally a revised oil importing system, and the establishment of a Director of Energy Policy in the executive branch. He has also submitted to Congress, seven pieces of proposed legislation. In the

92d Congress there were almost 350 bills and 30 resolutions introduced relating to energy policy issued, and some 16 committees or subcommittees were involved in energy-related legislative proposals.

To date, Congress has passed little of the extensive legislation needed to help increase the domestic energy supply or to increase the efficiency of energy use. It should be recognized that it does take time to develop legislation on a basis which is soundly conceived and will constructively implement its stated purpose. Nevertheless, the magnitude and urgency of the situation are such that delays—such as we are now experiencing—in effecting the necessary legislation are contributing significantly to a prolongation of the energy crisis. Congress has a difficult and demanding responsibility in this area—and an awesome accountability to reckon with.

This then leads to the question, "Has the shortage been contrived by the major oil companies?" The answer is unequivocably "No." The industry is much too fragmented and too closely monitored for this to be possible. No company has more than 10 percent of domestic crude oil, or refining, or gasoline marketing capacity. Further, the 25 largest companies have only two-thirds of the Nation's production capacity, 87 percent of the Nation's refining capacity, 84 percent of the Nation's total petroleum products market or 78 percent of the total gasoline market. Few major industries have such a large number of companies representing a corresponding portion of the market. In addition, the operations and activities of the petroleum industry are documented in great detail, are constantly monitored by Government agencies at the local, State and national level, and are under continual surveillance by the regulatory agencies. In such a situation, it is impossible for the industry to deliberately contrive an energy shortage. This is corroborated by the fact that the intensive investigations over the past 2 years by the Congress and by the administration have produced no evidence of any such action by industry.

The simple facts of the matter are that over the last several years the Nation has been using up its petroleum resources faster than it has been able to find them. We have produced more oil than we have found in every year from 1968 to date, and the disparity has been increasing. In addition, we have produced more gas than we have found in every year since 1967. As a result, our proven reserves of crude oil, which reached an all-time high of 31.4 billion barrels in 1966, have steadily decreased to a level of 26.7 billion barrels in 1972, or a reduction of 15 percent. Further, our proven reserves of natural gas have declined by 18 percent since 1967. These data exclude the reserves in the Alaskan North Slope. That oil is not being produced, and unfortunately, will not be produced before 1977 at the earliest.

Counter to the decline in crude oil production and reserves is the rapidly increasing demand for crude oil. Since 1967, U.S. petroleum consumption has increased from 12,300,000 barrels per day to 17,000,000 barrels per day at the current rate, or an increase of 38 percent. The additional supply has come only from rapidly increased petroleum imports, which are a major factor in our adverse balance of trade, contributing significantly to the weakness of the dollar in the international money markets.

The above numbers sound so huge that the reaction of the average person is, "How can there be a problem with that much oil available?" To put this in perspective, we are currently using petroleum at a rate equivalent to 30 barrels per year for each American citizen. We are currently producing from domestic resources, 20 barrels per year for each person. However, in 1972, we added only 9 barrels of new domestic reserves for each person in the United States. This means that we are importing 10 barrels per year for each person, and our reserves now are declining at the rate of 11 barrels per person per year. Obviously, unless something is done to correct this situation, we will run out of domestic supplies of oil. The solution is to take those measures necessary to increase our domestic supply substantially.

The necessary measures are well known and have often been repeated. Unfortunately, many of them cannot be initiated until the Government provides the necessary authorization.

In fact, the present shortage may be attributed in many cases to government action. We have a prolific source of crude oil in the gulf coast area in Federal waters offshore Louisiana and Texas. In the 4-year period between mid-1968 and mid-1972, there was only one lease sale held in this area as a result of objections raised regarding environmental concerns. Two lease sales were held in the last half of 1971. There three sales have already resulted in 42 confirmed discoveries, and 34 producing platforms installed, others announced, and eight tracts are producing oil or gas. There is still much drilling to be done on these leases, and more oil will undoubtedly be found.

The President has called for more frequent and larger lease sales, not only in the gulf coast but on the Atlantic and Pacific coasts as well. Such programs must be implemented—and can be implemented on a basis which meets suitable environmental standards. In addition, operations must be reinstituted in the Santa Barbara Channel offshore the California coast. Production has been suspended there since the unfortunate spill in 1968, even though independent studies have shown that no permanent ecological damage has resulted.

The largest crude oil reserve ever found in North America is in the Alaska North Slope, and, to date, there has been no production of oil from this source. Production of this valuable resource is being held up principally because of a difference of opinion as to whether the oil should be delivered to the west coast of the United States or to the Midwest. It was originally anticipated that deliveries would start in 1972 at the rate of 650,000 barrels per day, which would have provided a reduction in payment for imports of foreign crude oil of roughly $1 billion a year. In view of the fact that the environmental impact statement developed for the Alaskan pipeline is the most comprehensive and expensive ever developed, and has been approved by both the administration and the State of Alaska, continued delay in producing this oil is approaching a national tragedy.

There has been considerable criticism about the failure of the industry to construct adequate domestic refining capacity. Yet this, too, has resulted in major part from governmental action. The former import quota system, coupled with the near moratorium in offshore leasing, made it impossible to contract for the needed quantities of crude oil for a new refinery. A $200-million refinery without a source of feedstock is hardly a viable enterprise. Further, the uncertainties regarding product quality, such as the lead content of gasoline and the octane number, created major problems in the design of such a refinery. Site availability is extremely restricted, and in some States refinery construction is prohibited. Despite these obstacles, seven new refineries have been completed since 1969 within the United States and many refinery expansions have been implemented as well.

The so-called major oil companies have been charged with creating a situation which prevents independent refineries from constructing new capacity. This charge is patently untrue. Two of the seven new refineries constructed in the United States since 1969 were built by independents. Four independent companies tried to build refineries along the east coast but were unable to obtain site approvals due to the objections of local authorities and residents.

As a result of restrictions imposed by the oil import quota system and lack of site availability, the independent refiners moved offshore and have built five refineries in eastern Canada and the Caribbean. Such projects suffered no restrictions in crude availability resulting from the import quota system, were free to import product into the United States under the quota system, had few site location problems, and frequently enjoyed tax holidays and other financial incentives.

There are some today who attribute, in large part, the present energy problems to the oil import quota system. This is unfortunate, for it obscures the role played by many other factors which have had an even greater impact. In fact, until early last year the Nation had surplus crude production capacity, and until that time the oil import quota system provided an effective mechanism for supplying adequate imports without unduly jeopardizing domestic crude production. The major drawback with the import quota system was that when the Nation ran out of surplus crude-producing capacity in early 1972, the cumbersome governmental regulatory procedures were not able to respond promptly to the new situation. This, unfortunately, is a major weakness inherent in any such regulatory program—in that it resists change until the need for the change is so obvious that unnecessary problems have resulted.

A similar situation persists today with the continued regulation of natural gas prices. Any merit which this program may have had has long since been outlived, serving to defeat the very purpose for which it was established—the provision of adequate supplies of competitively priced fuel to the consumer.

To encourage construction of domestic refining capacity, and to provide increased supplies, this past spring the administration changed the import quota system to an import licensing system. This removed the crude supply barrier, and, as a result, to date, 5 majors and 10 independents have announced new domestic refining capacity.

Due to removal of restrictions on crude imports, refinery runs have achieved an all-time high, and the United States is currently producing petroleum products at a rate 6 percent higher than in 1972. Generally, this would be sufficient to accommodate normal demand growth. However, demand for petroleum products has been inflated, and, again, due primarily to governmental action.

For the 5-year period, 1965–70, refinery throughput in the United States grew at a rate of 3.8 percent per year. Since 1970, refinery throughput has grown at a rate of almost 6 percent per year, but, demand is currently growing at a rate of about 7 percent above 1972.

The reasons for this rapidly increasing demand include the increase in new car sales, and particularly the increased consumption of gasoline for the new cars. The pollution control equipment included in 1972 cars resulted in increased fuel consumption of 10 to 15 percent over 1970 models, and this will increase appreciably in 1975–76 when more rigorous pollution-control equipment is installed in new cars, as required by the Clean Air Act of 1970.

To appreciate the impact of such changes in gasoline consumption, we should note that today the United States uses 58 percent of all the gasoline used in the non-Communist world, or 1.4 times as much as the total gasoline used in all other non-Communist nations. The addition of the Communist nations would change these figures only slightly. They are not included since accurate data for their gasoline consumption is not available. To put this enormous consumption of gasoline by the United States in perspective, the increase in consumption in the United States for the year 1972, as compared to the year 1971, was approximately 6.4 billion gallons. This is an amount which is greater than the total consumption of any single country in the non-Communist world for the year 1972, with the exception of Canada, which had a total consumption of 7.3 billion gallons, and of Japan and West Germany, each of which had total consumptions of 6.6 billion gallons.

The Clean Air Act has in many cases prevented utilities from burning coal, and, accordingly, they have had to turn to petroleum products for fuel. This, plus the decreased availability of natural gas, has resulted in an increase in the consumption of distillate fuels by electric utilities from 8,000 barrels per day in 1967 to 186,000 barrels per day in 1972—a level comparable to one-fifth of all the distillate oil used by all of the U.S. railroads, plus the diesel fuel used by all U.S. trucks, plus the diesel fuel used by all U.S. farm machinery. With such a dramatic change in demand patterns, there is little wonder that sectors of the transportation industry have been hard pressed to acquire adequate fuel supplies.

Fifty of the fifty-six nuclear powerplants which were expected to be on stream between now and 1975 are delayed due to construction and environmental problems. There has been essentially no increase in energy consumption from coal since 1966, due largely to environmental concerns regarding strip mining and sulfur emissions. Again, the only available source to provide for these shortfalls in energy supply is the petroleum industry.

Thus, we have the bizarre situation in which the petroleum industry has been called upon to cover the shortages of energy resulting from the decreasing use or availability of coal, gas, and nuclear energy; and the petroleum industry has done an outstanding job in covering these shortages—yet because the the industry, for reasons outside of its control, has fallen nominally short of meeting the rapidly increasing demand, it is charged with creating a monopoly.

The major oil companies are further charged with creating this monopoly to drive the independent marketers out of business. Here it is salutary to examine some of the details of the gasoline retail marketing business. In 1965, the 10 major oil companies sold—through their branded outlets—66 percent of the Nation's gasoline, and in the same year the independents sold 19½ percent of the Nation's gasoline. By 1972, the share of the majors had dropped to 59.5 percent, and the share of the independents had increased to 27.9 percent. For the first 3 months of this year, in the 37 States for which data is currently available, the 10 majors had 59.1 percent of the market.

There are today in the United States more than 300,000 retail gasoline outlets. Of these, 34,000 are independent service stations, and some 230,000 are branded service stations handling product of 18 of the larger major oil companies. It is interesting to note that the words "independent" and "major" are quite misleading. Of the 34,000 so-called independent outlets, actually 6,900 are owned and operated—using salaried employees—by marketing chains, often under the chain's own brand. An additional 3,800 outlets are operated by managers employed on a commission basis. The remaining 23,000 outlets are operated by a private businessman working for himself, and have a contractual or lease arrangement with the chain. By comparison, of the 230,000 stations handling gasoline under the major brands, only 1,800 are owned by the major oil companies and operated by salaried employees. The rest are operated by an independent businessman in business for himself. A large portion of these stations are owned by the individual, and his only arrangement with the major is a supply contract. Thus, in fact, the major oil companies sell their gasoline through some 228,000 independent businessmen. Further, the number of company-operated stations has doubled over the past 2 years for the independents, but has decreased 10 percent for the majors.

The principal problem in the gasoline retail market today is that the so-called independent marketers wish to take volume away from the independent businessman who handles, and who has for years handled, supplies under the major's brand. In fact, in many cases the so-called independent marketer is a medium-size business which in past years provided a service by moving surplus products which he frequently obtained on the spot market or without any contract with his supplier. Now that there is no longer any surplus gasoline—because of rapidly increasing demand—these companies are not able to buy their supplies on the open market and are attempting to persuade the Government to coerce the majors into diverting gasoline supplies to them and away from the 228,000 independent businessmen who sell under the majors' brands. The inequity in such an arrangement is obvious, particularly to the 228,000 independent businessmen who handle the majors' gasoline.

This is not to say that today there is free competition in the marketing of petroleum products. There is not. However, this situation has resulted entirely from governmental action, and in no way can be attributed to the action of the oil companies. On March 6, 1973, the Government established mandatory price controls on crude oil and petroleum products, and on May 10, 1973, the Government instituted a crude and product allocation program. Under such controls, free competition is not possible. It will be restored only when the controls are lifted or when supply can be increased to the point where it again exceeds demand.

In the hope of achieving increased competition, proposals have been made that the petroleum industry be forced to divest its various components—exploration and production, refining, transportation, and marketing. In fact, any such divestiture would have the opposite effect. Efficiency would be diminished, costs would increase, and competition would tend to be reduced.

The mechanism for collecting and distributing crude oil and petroleum products is very complex and involves thousands of supply points and many transportation media. Such networks can be developed and operated with a high degree of efficiency and at low cost only when they are integrated into a single corporate structure, as is presently the pattern in the industry. To segment these would require innumerable contractual arrangements, additional storage and inventories, and longer range planning for supplies—all leading to supply imbalances, with surpluses in some areas and shortages in others. Further, no one is going to buy a major refinery or pipeline without having firm long-term contracts for supply of crude and long-term contracts or assured outlets for the product. Such contractual arrangements would reduce both the flexibility and competition within the industry. In the final analysis, the consumer would again bear

the brunt of such unfortunate experimentation.

The last charge is that the majors have contrived the energy shortage to increase their profits. The preceding facts demonstrate that the shortage is real and has in no way been "contrived" by the majors. But, this does not mean that the majors are not interested in increasing profits—they are, just as everyone else is. Moreover, they must be if they are to generate the enormous sums of capital needed to provide adequate energy supplies. Twenty billion dollars, in current dollars, will have to be invested every year through 1985, and on, to provide for the Nation's fuel needs. Over 80 percent of this, or $16 billion per year, will be in conventional petroleum activities. To generate these funds through retained income or borrowed capital, the only two routes available, will require major increases in prices and profits, and the industry will strive mightily to achieve such goals.

Rather, the question is, "Are profits exorbitant, and what is done with them?" The oil industry profits are anything but exorbitant. Forbes reports that for 29 petroleum companies the return on equity dropped steadily from 11.4 percent in 1969 to 8.9 percent in 1972, representing a 22-percent decrease. Over the same period, the return on equity for all industry dropped from 11.6 percent to 10.7 percent, representing higher returns and a decrease of only 8 percent. Business Week surveyed earnings for 880 companies in 36 different industrial categories for the last quarter of 1972, as compared to the last quarter of 1971. The five industries having the best performance showed earnings increases ranging from 66 percent to 115 percent. The oil industry was in the lowest category, with only a 9-percent earnings increase. Based on 1971 results, which for the year were better than 1972 results, the Chase Manhattan Bank stated that:

> By any reasonable standard, the rate of return in the United States (for the oil industry) is abnormally low for a capital intensive industry.

The total annual dollar profits of the ten largest U.S. oil companies were $4.9 billion in 1972. Again, this sounds like an astronomical figure. Yet even this figure represents a profit of only 1.7 cents per gallon of crude oil produced and processed by them. The reason for the apparently astronomical total numbers is that the energy business deals in astronomical volumes; it has to, to supply demand.

Now let us look at what these 10 companies did with their profits in 1972. Fifty-five percent of the profits were distributed as dividends to the shareholders. The remaining 45 percent of the profits were combined with other corporate funds and were reinvested in the industry to provide facilities and services for finding and producing more energy. Yet this total amount, $7.7 billion, represented less than half of the $16 billion needed annually.

For the 10 companies, dividends represented a yield of only 4.6 percent on the market value of their stock. Thus, the 2.4 million investors in the stocks of the 10 major oil companies received a return on their investment which is less than that which they would get by buying Government savings bonds, and which would involve no risk. The profits of the oil industry must increase—and increase dramatically—if they are to generate the funds required for providing the Nation's energy supplies.

A factor contributing to the shortfall of capital is the Revenue Act of 1969, in which the depletion allowance was lowered from 27½ percent to 22 percent. This rate reduction, coupled with the minimum tax, had the net effect of reducing the retained earnings of the industry by $500 million per year. Any further reduction will have a comparable impact, and this at a time when the industry is faced with unprecedented capital demands to find and supply the needed energy. The depletion allowance accrues to a company only upon the actual production and sale of crude oil, thus assuring that this incentive program is utilized only when its purpose is accomplished. It does not reward the driller of dry holes, which would significantly add to the cost burden for the consumer. The reduction in depletion allowance has been particularly burdensome to the independent producer, who lacks the resources needed to accommodate the inevitable number of nonproducing wells which are drilled. This is most unfortunate, for the independent producer has demonstrated an outstanding ability to discover new oil fields.

Even though profits for the first portion of this year have increased appreciably over last year, the price increases for petroleum products are still well below those for other commodities. For crude oil and gasoline, the May 1973 prices were, respectively, 25.3 percent and 26.2 percent higher than the 1963 prices. By comparison, the wholesale prices of all commodities rose 41.3 percent over the same period. Although the supplier has no direct control over the retail service station price, it is interesting to note that over the period 1963 through April 1973 the average retail service station price of regular gasoline, ex tax, rose only 30.9 percent, whereas the average retail price of all consumer goods and services rose 42.5 percent. During the same period, the industry costs were increasing rapidly: oil well casing prices rose 44.6 percent; oil field machinery prices rose 36.4 percent; and wages rose 52.7 percent. In spite of such rapidly rising costs, the industry was able to hold price increases for crude and products at reasonable levels through its extensive efforts to increase the efficiency of its operations. This was possible only through close coordination of all activities—including exploration and production, refining, transportation, and marketing.

In summary, there is no foundation to the allegation that the energy shortage has been contrived; there is no foundation to the allegation that the major oil companies are trying to drive the independents out of business; and there is no foundation to the allegation that the major oil companies are reaping excessive profits. In fact, the established data to the contrary are such that any knowledgeable person making such an allegation would appear to be guilty of a gross misrepresentation. Nevertheless, the industry does—and will continue to—welcome any serious and objective investigation relating to such charges.

We are, however, gravely concerned that continuation of unsupported and irresponsible allegations will seriously delay and disrupt the many constructive programs which must be undertaken on a cooperative basis by the Government and by industry if the energy problem is to be solved. Fortunately, there are many responsible people, both in the Government and in the public, who appreciate this situation. It is critically important that they speak up frequently and emphatically, and that the press report their statements accurately and as readily as it reports the more inflammatory statements of less responsible individuals. The situation potentially is far too serious for the Nation to be misled or to tolerate continuing delays in solving the energy problem.

CONGRESSMAN RODINO'S MAJOR PROPOSALS TO MEET HUMAN NEEDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, as we near the August recess of Congress I believe I should report to the people of New Jersey's 10th District on legislation I have sponsored, and efforts I have undertaken, to solve the many problems that afflict our country. For since the beginning of this Congress all Americans have been enduring the hardships and stress caused by our galloping inflation and the threat of budget cuts in many vital areas.

FOOD AND CONSUMER PROTECTION

Undoubtedly the continuing food crisis is of urgent concern to us all. To deal with the problem on a short-term basis, I introduced legislation to roll back food prices to January 3 levels, and for the long range I have sponsored a bill to create a select House committee on the cost and availability of food to investigate all factors involved and develop meaningful solutions to our disastrous food situation. I also cosponsored several bills to assure better labeling of food so housewives can easily determine the unit cost and nutritional value of food products. Another measure I introduced was a bill to repeal the tax mills must pay for wheat which causes higher bread prices. I am pleased that this was included in the agriculture bill which is nearing final congressional action. In addition, the Monopolies Subcommittee, of which I am chairman, has just concluded hearings into the question of the existence of illegal practices contrary to fair competition in the food industry. I also joined in a successful effort to have the administration impose a temporary ban on the export of soybeans—the vital feed essential to production of meat, poultry, eggs, and milk.

ENVIRONMENT AND ENERGY

Another crucial problem facing us is the energy crisis and the related problem of conserving our natural resources and improving our environment. For years—long before the current oil shortage developed—I have sponsored legislation to end the oil import quota program, which is particularly unfair to the people of New Jersey and the Northeast. In this Congress I also sponsored a bill to authorize emergency oil imports. The administration has temporarily suspended quotas, but I am convinced there must be permanent repeal. Other bills I have introduced to help solve this complex problem include a bill to create an Energy Policy Council and to establish a recycling program. This would make possible reuse of waste oil and end the present means of disposal that cause air, water and soil pollution.

EMPLOYMENT AND TAX REFORM

The high rate of unemployment in the Nation, and particularly the persistent alarming rate in the Newark metropolitan area, have long been of deep concern to me. For this reason, I have introduced again a public service jobs bill that would create meaningful jobs in areas of vitally needed services—education, health, environmental control, transportation, urban renewal, law enforcement, and recreation. I am very pleased that Congress has acted so speedily in passing a similar measure, and also legislation such as I introduced to extend the Economic Development Administration. Another approach to providing relief to the average citizen is my three-part tax reform program. This includes my "quick yield" bill to close eight glaring loopholes that would raise an estimated $9 billion annually. My other bills would institute further reforms and end all tax exemptions unless Congress acts in an orderly manner to continue specific exemptions. Tax reform is certainly long overdue to relieve the heavy burden on our citizens and bring in additional revenues to pay for programs so desperately needed to improve American life.

HEALTH, EDUCATION, AND WELFARE

At the beginning of this year we faced a severe health crisis because of the administration's budget proposals that would have ended or cut back 12 major Federal health programs, including the community mental health centers, the regional medical programs, and hospital aid. I sponsored legislation providing that they be continued for a year to give Congress time to fully review them, since while changes may be needed it would be criminal folly to abruptly end programs of proven merit. Swift congressional action followed and the bill became law. Other major health bills I have introduced are: a national health insurance program and a bill to establish a national blood bank program to assure adequate supplies of clean blood. I have also introduced bills to combat specific diseases and health problems—a comprehensive diabetes research program, aid for asbestos workers suffering lung disease, and a program for intensive research into the tragic crib death problem. To help prevent the dread consequences of fire, I have sponsored a number of bills to aid local fire departments with equipment and training, and to establish a National Fire Administration. I am also sponsor of a bill to permit tax credits to parents sending their children to nonpublic schools, and I am strongly supporting our Education and Labor Committee's long efforts to develop realistic and effective provisions to extend our Federal aid programs to elementary and secondary schools.

SPECIAL NEEDS PROGRAMS

In addition to the measures I have mentioned that are of concern to all citizens, I have sponsored legislation to segments of our population who require special help—our veterans, our older citizens, the poor, and our children and youth.

I am pleased to say that hearings were recently held on two bills I sponsored to aid our veterans. One would assure that veterans' pensions would not be reduced or eliminated because of social security increases.

The other would provide more realistic and fair levels of educational benefits for Vietnam-era veterans. I have also proposed establishment of a national commission to undertake a thorough review of all veterans' problems and programs and make recommendations for improvement.

Again, as in the last Congress, I sponsored the Older Americans Act that has now become law, and a bill to create a House Select Committee on Aging. I also strongly supported the social security benefit increase and joined in the effort to prevent the administration from carrying out its proposals for cruel changes in social services programs that now provide desperately needed aid to our elderly people.

I introduced legislation to assure continuance of our antipoverty program, which the administration most unwisely sought to abolish, and to create an independent legal services corporation for the poor so these vitally needed legal aids could remain available.

Our children and young people are the hope for our Nation's future, so it is particularly important to provide Federal assistance for them. I have introduced a comprehensive child care and development bill, and another measure to help prevent child abuse. In addition, I sponsored a bill to provide tutorial assistance for homebound children and a measure to make the Youth Conservation Corps permanent. The pilot YCC program proved a great success in providing youths from all backgrounds with motivation and training for future productive careers.

Mr. Speaker, these are, naturally, only some highlights of my legislative efforts since the beginning of this Congress, but I believe my remarks will generally indicate the direction of the legislative work I am undertaking. Much more remains to be done to meet the massive and complex needs of our country, and particularly our urban areas. I shall continue my efforts to bring action on these and other essential measures during this Congress.

FAIR PLANS STILL BEING USED AS INSURANCE DUMPING GROUNDS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, when the so-called FAIR plans—fair access to insurance resuirements—were enacted into law as part of the 1968 Housing Act, I had hoped that this program would solve the insurance problems of millions of Americans. Unfortunately, the insurance companies in too many cases have used the FAIR plan solely as a dumping grounds for any policy in which there might be a hint of a possible claim.

In 1970 I conducted, along with the Congressman from Pennsylvania (Mr. MOORHEAD) hearing in Chicago into the operation of the FAIR plan in that area. We found at that time that rather than working for the people the FAIR plans were for the most part working for the insurance industry.

While there have been some improvements, the operation of the FAIR plan in Illinois, it appears that the FAIR plan in the District of Columbia is being used solely as a moneymaker for the insurance industry.

The July 17 issue of the Washington Post contains an outstanding article on the operation of the FAIR plan in the District of Columbia. It points out that 3 out of every 10 District residents and merchants with fire insurance are insured under the FAIR plan and that many of these people should not have been delegated to the FAIR plan pool because they were excellent insurance risks.

Mr. Speaker, the insurance industry of the country has clearly neglected its job in many areas. The FAIR plans which were enacted to help people get insurance should not be used as a vehicle to reward insurance companies for their overly conservative insurance writing practices. I am including a copy of the Washington Post article in my remarks so that Members will be able to see exactly how a FAIR plan is operated. In the near future I hope that our housing laws will be amended so as to do away with the abuses such as those outlined in the Post article.

The article follows:

U.S.-SUPPORTED INSURANCE PLAN IS DISTRICT'S LARGEST

(By Donald P. Baker)

Although the rioting that followed the assassination of Martin Luther King in the spring of 1968 did not touch Washington Wine & Liquor, located just four blocks from the White House, the Hartford Insurance Co. told Wilbur Sherwood that it no longer wanted to insure his store against fire, or glass breakage, or theft "or just about anything."

So it was for the Wilbur Sherwoods of the nation that Fair Access to Insurance Requirements (FAIR) was devised. If a merchant or resident could not buy insurance from a private company—whatever the reason—the FAIR Plan would sell it to him.

Now, five years later, three of every 10 District residents and merchants who want fire insurance are turned down by private insurers; as a result, the federally supported FAIR Plan has become the city's largest writer of fire insurance.

The D.C. plan has "settled" at about 30,000 residential and commercial policies, which, according to District Insurance Commissioner Edward P. Lombard, represents $3 million in annual premiums, or about 30 per cent of all fire insurance in force in the city.

Sherwood's store, 1201 Pennsylvania Ave. NW., has not been the scene of an insurance claim since 1937, its owner said. But he was caught up in a nearly across-the-board decision by fire insurance companies to reject liquor stores as "bad risks."

George K. Bernstein, federal insurance administrator, contends that similar "arbitrary and subjective judgments, unverified by statistics, have forced numerous persons to buy "less coverage at higher rates" from the FAIR Plan that operate in 26 states, Puerto Rico and the District.

Bernstein points to statistics that he said indicate all of the plans are current making a profit as proof that insurance agents can't tell a good risk from a bad one. The plans thus have become "a dumping ground for anyone who looks like he might ever have a claim," said Bernstein, whose office is part of the Department of Housing, and Urban Development.

Industry spokesmen concede that some of the plans are making a profit, but disagree with Bernstein's contention that "clean risks" are being assigned to them in large numbers.

Bernstein said that a person forced to buy FAIR Plan insurance "is given second-class treatment throughout, from application to claim, involving detriments such as lower coverage at higher rates, lack of a premium payment plan (for a very costly one) and lower claims service."

Sherwood, for example, must pay his $1,000 annual premium in cash, in advance rather than in installments) and is limited in the kinds of protection he can buy. He pays the same rate, however, as he would if he bought the coverage from a private company rather than from the D.C. Insurance Placement Facility, which is the formal title of the city's FAIR Plan. (Some states charge a higher rate for comparable coverage).

Lombard, who is charged with regulating both the plan and private firms, said that when the plan breaks even or makes a profit, "it means the companies are making quite a good profit" from the policies they kept for themselves. Lombard disagrees with Bernstein, however, by concluding that the financial figures "prove they can pick the good risks."

Each of the 208 companies authorized to sell fire insurance in the District is required to participate in the FAIR plan in proportion to its dollar share of the market.

Howard Clark, Bernstein's deputy administrator, said the fact that the plans are making money is either evidence that good risks are being assigned to them or "the rate (premium) is adequate." Clark, a former South Carolina assistant insurance commissioner, explained that "you can insure a burning building if you charge a high enough rate."

When the FAIR plans were authorized by Congress, there were no federal guidelines as to whether they should make a profit, or how much. "That was thought to be the province of the states," Clark said. In the District, "the question of profit or loss was never mentioned," Lombard said.

Bernstein and Lombard agree that there is a stigma attached to being rejected for insurance. Bernstein said assignment to a FAIR Plan may be mentioned unfavorably in credit reports, for example. Lombard compared it to "being on relief—it's a hurt to your pride. It's an indignity for anyone to be told they have to go to the FAIR Plan" if they want fire insurance.

While a rate for fire and extended coverage on comparable property is the same whether written by the plan or by the private companies, there are some differences that Bernstein contends penalize FAIR plan policyholders.

The fact that there are thousands of "basic rates," depending upon the size, age, construction and use of a structure, also contributes to inequities, according to Bernstein.

A residential property owner who must buy coverage from the plan can get only fire, extended coverage, vandalism and malicious mischief. He cannot buy the popular homeowner package, which offers such additional protections such as personal liability (a fall on the sidewalk, for example), burglary, theft (not only from the primary dwelling, but often from the owners' car, boat, summer place and hotel room) and replacement value instead of depreciated value (particularly important in an inflationary period).

Similarly, merchants assigned to the plan cannot buy multi-peril coverage, which is the business equivalent of a home owner's policy.

Additionally, all dwellings assigned to the plan are inspected before a policy is written. On-sight inspections by private insurance companies are rare, Bernstein said, and then frequently consist only of a drive-by.

The inspections often find conditions such as jackleg wiring, improper heating and poor ventilation, that warrant a higher-(surcharged) rate.

Commercial risks are routinely inspected by private companies, but again, Bernstein said "we suspect the inspection is tougher" for business places assigned to the FAIR Plan.

About 10 per cent of the policies assigned nationally to FAIR Plans carry surcharges (224,334 of 2,393,336) but higher rates are imposed on only a few policies written by the D.C. plan (889 of 67,517). In Maryland, however, a surcharge is common: That state's FAIR Plan has charged higher rates on 103,618 of its 183,412 policies.

Even if they do not result in surcharges, the inspections add to the cost of operating the plans. Since the inception of the plan, the District has spent $221,328 hiring off-duty firemen and, more recently, professional insurance inspectors. Processing an application to the FAIR Plan eats up 22 per cent of the total premium, collected annually. In private industry, firms try to hold expenses to 30 per cent, including commissions to salesmen that often average 20 per cent. The FAIR Plan allows only a 10 per cent commission.

Herbert M. Pasewalk, president of Firemen's Insurance Co. of Washington and one of the industry executives who serves on the FAIR Plan board of directors, pointed out that the facility is meeting its basic goal of providing insurance for people who otherwise cannot get it.

"Although some people chose not to correct conditions" detected upon inspection, and therefore were conditionally declined, only three applications have been unconditionally rejected, Pasewalk said.

Pasewalk, who helped organize the D.C. plan at a meeting in his office in August, 1968, denies that the plan has become a "dumping ground." Many firms are "considering policies which had been in the facility (plan) before," Pasewalk said, noting that his own company has been picking up 10 to 15 policies a month that previously had been assigned to the plan. But that does not appear to be an industrywide trend.

On the question of profitability, Pasewalk said that while higher rates and a good loss experience have helped the last two years, "we've paid out a lot more in claims than we've taken in."

Raymond M. Kalbacher, who is manager of the D.C. plan, said the operation was "in the red" by $819,000 at the end of 1972 (the precise deficit, according to a report filed with HUD, was $807,085). But nearly all the loss is held over from the first two years of operation.

Between its inception on Oct. 1, 1968, and June 30, 1971, the plan showed an accumulated loss of $1.8 million.

In the next year, the plan broke even, with the loss on June 30, 1972, listed at $1,761,681. In the last six months of last year, the deficit was reduced by $954,596. A change in the method of operating, implemented last October, "should accelerate" the reduction in losses, commissioner Lombard predicted.

Viewed another way, the D.C. plan showed underwriting profits of $233,364, $213,347 and $158,401, respectively, in the last three quarters of 1972.

The FAIR Plans were organized after more than 100 companies cancelled or refused to renew policies in Washington's inner-city after the rioting in the spring of 1968.

Insurance companies paid out $24 million in fire losses in the riot, resulting in firms licensed to do business in Washington paying out $3.21 in losses for every $1 in premiums taken during 1968.

"Something had to be done," Lombard said. The inducement to "underwrite social problems" by forming FAIR Plans, Lombard said, was the federal government's promise to reinsure losses in any subsequent riots.

Bernstein, who began calling for changes in the plan 18 months ago, said that if the "basic inequities" are not corrected by the states' insurance departments, he may ask Congress to revoke federal riot reinsurance.

Insurance companies initially were enticed into cooperating with the FAIR Plans by an offer from the federal government to protect them from huge losses in future riots with a low-cost reinsurance that it sells to the companies.

Efforts to improve the plans have been "primarily attempts to patch up the criticized plans, rather than remove their basic flaws," Bernstein said.

One flaw in both the FAIR Plans and assigned risk plans in the automobile insurance field, is that they force a small segment of the public (those good risks who are dumped into the plans) to subsidize the few bad risks, while relieving the majority of that burden, an action that also helps bring higher profits to the insurance companies.

A solution favored by Bernstein is something he calls "full insurance availability" (FIA).

FIA would require insurance companies to sell coverage to anyone who sought it from them. If the company, broker or agent thought the policyholder was a bad risk, the policy could be passed on—along with the premium minus a servicing fee—to a statewide reinsurance pool.

Because the action would be "out the back door," as Lombard puts it, the stigma of being assigned to a high-risk pool would be removed. The private company would be required to issue and service the policy.

Because the company would have to relinquish all of its profit (no commission could be retained), the incentive would be to keep the policy. There now is little incentive to keep a policy out of the FAIR Plan, Bernstein said, because commissions still are paid.

Finally, if the risk that was passed on to the pool did turn out to be a bad one, the cost would be borne by all insurance companies and their policyholders, not just the 10 per cent who now are sent to assigned risk pools.

A complicated formula, designed by Bernstein, would encouarge companies to write and keep policies. Insurers that did not maintain their existing share of the market, or that over-utilized the pool, would be penalized financially.

Bernstein said FIA would increase the average home and business fire insurance premiums by less than 50 cents a year, while reducing the premiums of persons now as-

signed to FAIR Plans by $13 annually. In the automobile field, the average premium would go up $2 a year, while persons now in assigned-risk pools would pay $46 less.

The federal insurance administrator concedes that the FAIR Plans have "provided about $25 billion worth of protection to 1 million who would be without it otherwise. They have done a needed job, filled a real void, but it's not enough. Now is the time for full coverage, at warranted rates."

Leslie Cheek, vice president for public affairs of the American Insurance Association, which represents 126 stock companies, said "Bernstein has pointed out our deficiencies. The plans are meeting a public need, but they are not working well from an operational standpoint."

Cheek said the FAIR Plans have been "the entering wedge of social policy" in the insurance business. "The industry must now come to grips with a whole range of involuntary market problems, not just urban property insurance, but, auto and disaster coverages too."

He said some companies have "considerable sympathy" for Bernstein's proposal, but "many other, because of competitive reasons, do not."

Herbert S. Denenberg, the outspoken insurance commissioner of Pennsylvania, places part of the blame for FAIR Plan problems on insurance salesmen. "By a conservative estimate," Bernstein said, "40 per cent of all agents are incompetent, so a lot of people are getting bad advice."

Pasewalk, the Washington insurance executive, admits that some agents are super conservative. "Some guys," he said, "won't insure pig iron under water against fire."

STEVE O'CONNELL HAS SERVED HIS FELLOW MAN WELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 30 minutes.

Mr. FUQUA. Mr. Speaker, a chapter ends.

Stephen C. O'Connell has announced his intention to retire from the presidency of the University of Florida at Gainesville, Fla.

Another chapter in the remarkable life of a remarkable man is ending. Another now begins.

For Steven O'Connell is not the sort of individual to remain idle. From the days when he established himself as something of a legend as a student leader on the campus of the University of Florida, he has built a reputation as an attorney, jurist, and administrator. Two other phrases are also necessary and they are integrity and self-sacrifice.

Through the thread of his existence has been a constant reminder that he had a debt to pay to others and while all of us owe such a debt, few of us have made such complete repayment.

It is my purpose here today to pay tribute to the service of Steve O'Connell. He is a man I greatly admire, whose advice and counsel I cherish, and whose friendship I deeply value. It is also my purpose to say something of the trials and tribulations that face administrators of college campuses in our recent history.

It is interesting to note that he is the first alumnus ever to head the University of Florida, attending from 1934–40. At that time there was a student body of some 1,000—and was for men, only.

To earn his way through school, Steve worked at various jobs. He worked at Mrs. Drawdy's Boarding House waiting tables with free meals if he could get six paying customers to patronize the establishment. Later he worked at the College Inn Restaurant on University Avenue, the intramural office and managed the ATO fraternity dining room. He also worked as janitor in the campus post office.

Yet this did not prevent him from becoming one of the all time great student leaders on the Florida campus.

Although too small for some sports, he joined the boxing team and established a reputation for courage. He was captain of the team in 1938 and was Southeastern Conference champion, remaining undefeated in dual matches.

He was president of his sophomore class and served as president of his fraternity, Alpha Tau Omega.

During 1937–38, he was elected the business administration college's representative to the student executive council and the following year was president of the student body. He was to serve as president of the leadership honorary, Florida Blue Key in 1939.

There were more opportunities, more challenges. He met them all. Elected to the hall of fame of the university, the college yearbook described him as "engaging personality, dynamic—trustworthy—physical fitness-initiative—keen mind, strength of character—captain of boxing team—president of student body—his leadership inspires."

He graduated in 1940 with a B.S.–B.A. degree in business administration and a bachelor of laws degree.

Following graduation, he moved to Fort Lauderdale where he lived at Pine Crest School with room and board provided in exchange for teaching tennis and boxing at the school.

Judge Al McMillan, whose wife ran the school, allowed Steve to use an office in the building where he worked to set up private law practice. He worked in the law office for 6 months when he accepted a position as director of physical training for the Southeastern United States as World War II loomed on the horizon.

When Pearl Harbor was bombed, he joined as director of physical training for the 3d Air Force in the Pacific, reaching the rank of major.

Following the war, he opened another law office.

Success followed immediately. He was to serve as counsel for the State road department, attorney for the Florida Racing Commission in addition to building a successful practice.

His reputation for ability and integrity was growing.

He had married the former Rita McTique in 1949 and they were raising a fine family of four children. It goes without saying that she has been a mainstay in all that he has attempted to do and that much of the credit for his success belongs to this lovely lady.

Life took an abrupt change in 1955 when Gov. LeRoy Collins named him to the State supreme court. It was too much of a challenging opportunity to turn down.

In the 12 years that followed, his reputation in the legal profession continued to grow. Few men have ever served on the bench who developed the reputation for solid judicial temperament, hard work, and dedication as followed the name of Steve O'Connell.

Steve O'Connell has always been a man who has a strong sense of responsibility. In his professional career, he had worked tirelessly for the development of the university as an alumnus, serving as president of its alumni association and again was one of the best ever to serve in that office.

As he returned to his alma mater as its sixth president on October 16, 1967, he pledged to make the university "first in the South and second to none in the Nation." It was typical of the man that he would strive for the top.

It was a huge task and he was to be propelled through 6 turbulent years of real triumphs and severe disappointments. It was a period of student turmoil and unrest throughout the Nation. It was a time that would try the best of men.

Like a steel rod, he was tempered by the flames and not found wanting.

When he succeeded J. Wayne Reitz as president of the University the institution was holding a precarious balance between student and faculty needs and available facilities. The school contained 703 buildings, research programs in 66 countries, a student body of 20,180, over 2,000 in faculty, and a budget of almost $80,000,000.

Tenure controversies were to plague him throughout his administration.

Personally, I felt that he handled these and other explosive issues with dignity and with concern for the views of others. Often he was not shown that same courtesy.

The year 1969 saw the first year of student uprisings and demonstrations to protest the war in Vietnam. It was a fitful period which history will have to assess for its ultimate impact on our Nation and its education system.

On October 15, 1969, campuses throughout the Nation held mass rallies, staged pickets, marched, and deserted classrooms to support the student movement against what they considered U.S. aggression in Vietnam.

O'Connell responded by declaring "Gentle Wednesday." Classes were not officially suspended, but the Plaza of the Americas hosted capacity crowds and many professors and theologians spoke in support of the student movement. In a statement, O'Connell urged everyone to follow their own beliefs, but said that he, too, would be at the plaza during his lunch hour.

In May 1970, 3,000 students joined in a silent candlelight protest through campus in memory of the four student deaths at Kent State.

A 3-day strike was then called by the student body president. O'Connell, though not in agreement with this action, sympathized with the sorrow that unified and sobered students throughout the country. He urged no faculty member to take punitive action toward students who missed classes during the strike.

Bomb threats at University of Florida

were not uncommon during the latter part of 1970, as many students developed a militant attitude toward a Federal Government which they believed was blatantly disregarding widespread student demands. O'Connell pleaded for rational thought, and no real crises came about.

There were other fires which ignited in this period. Sometimes it must have seemed to educators like O'Connell that there would never again be a period when there could be disagreement without being disagreeable. Sometimes it must have seemed that the voice or reason would never be heard over the shrill voice of a minority that screamed in the name of freedom or a cause that they had the right to shout down any dissenting voice.

It was also a time when irresponsible voices were raised to inflame and incite because of the very demanding continuing task of achieving an integrated educational system. Men like O'Connell were called upon for yeoman service in many potentially explosive situations in this period.

When he accepted the presidency of this great university, he said that he would only spend 5 years in this role. He added 1 year to complete his work and now plans to relinquish this burden to another.

I am reminded of something he said back in 1955 when he was appointed to the Florida Supreme Court. He was questioned widely in the press as to why he would give up a lucrative law practice at the age of 39 to take a $15,000 justiceship.

O'Connell's answer at the time was that he accepted "in hope that I, in some measure, may be able to repay the many blessings that Florida has given me."

When he became president of the university, the same question was raised as to why he would take a $2,000 cut in annual pay and his answer was:

If money was the only consideration, I'd not be going there, nor would I be on the Supreme Court of Florida.

Shortly after becoming a justice, O'Connell made several public appearances throughout the State. His favorite topic was the necessity for politics and the attendant necessity of clean politics. Some of his quoted comments at the time are as follows:

I cannot believe that we Americans understand the importance of politics; otherwise, we would not persist in our attempts to destroy it and render it ineffective.

I feel that second only to service to God, service in politics is the most significant and satisfying undertaking an individual can pursue.

The morality, the dignity, the respect and the honesty which government and politics must have can come only from religious precepts and teachings. (A statement widely quoted in the press October 6, 1956.)

At the first press conference he held after becoming University of Florida president, O'Connell was quoted as follows: The only specific reason he could think of for taking the position was his "love and devotion to the University of Florida and higher education."

Asked what he thought of himself as a replacement for President Reitz, O'Connell said:

I don't think any individual can replace another. But I would hope to be able to stand beside the other great presidents of the University.

Humility was also a theme of his presidential appointment. He was widely quoted as saying:

I doubt enough the sufficiency of my merits and abilities. This is good. It will make me work harder and with great determination to serve well.

He also said early in his presidency in relating some of his plans to serve:

People don't know anything about the University. A great many people look at a university as something off by itself. It is frequently misunderstood. Yet the University is providing more and more service to the people outside the educational function.

In his statement of resignation, O'Connell made some very important remarks I would like to quote. He said:

We have stayed longer than the planned five years because we felt this past year to be a critical one in a number of ways, and it has been.

Which brings me to say that our leaving this University, as painful as it will be for us personally, could not come at a better time, and should be of considerably less concern to you, and all others interested in this institution, than had the move come at a different time in this University's history. I say this for a number of reasons.

It is true the University has problems, as it always will, but if examined factually and objectively, rather than emotionally or subjectively, it must be concluded that we have less than most major universities; that those we have are not major ones, but are either of the sort which, if recognized and treated wisely, can be overcome, or are of the kind which will always surface from time to time in a university.

But more important, I cannot recall a period when this University had more good things going for it, and going on in it.

The self-study has been completed. Out of it has come a plan already distributed to you in the booklet, "Direction for the Next Decade," which outlines a clear path to distinctive quality in every segment of this University. It will undoubtedly be modified, as it should, but this does not detract from its clear-cut statement of purpose.

Too often, too much attention is focused on tumult and discord in any walk of life. I believe this to be the case in the administration of Steve O'Connell at the University of Florida, a deficit history will correct.

Let us look at a few interesting facts. From 1965, 2 years before he became president, until the present, the number of nationally ranked academic departments at the university advanced from 11 to 22. If you were to draw a line from Austin, Tex., to Chapel Hill, N.C., the University of Florida has the largest number of nationally ranked departments in that great geographic area of the United States.

An increased emphasis has been placed on interdisciplinary activities, resulting in the establishment of centers that bring faculty and students from the many diverse colleges and departments together in common pursuit. Some of these centers are for urban and regional development, Latin American studies, African studies, acquatic studies, tropical agriculture, Asian studies, East and West European studies, and international affairs. In 1961, even interdisciplinary agencies existed on campus; in 1971, there were 29 bureaus, institutes, and centers.

Graduate student enrollment and stature of the program has continued to increase steadily. In 1971–72, graduate degrees were awarded to 1,645 in more than 90 fields, with 243 of them doctors of philosophy, and 57 doctors of education.

The university college of general education for freshmen and sophomores has been revamped to provide for students to begin work on their upperclass majors when they are ready, even as freshman. This has resulted in an integration of university college with upper division colleges that has produced beneficial results for both in the increasing emphasis on interdisciplinary activities.

Standards for employment of quality faculty members and more exacting measures for granting tenure and awarding promotion have been developed.

I think it significant and tremendously important to point out in a little more detail some of the concepts to which President O'Connell subscribes in the self-study of the university which is encompassed in a report entitled "Direction for the Next Decade."

This is the end product of a 2-year study conducted under Dean Linton E. Grinter of every facet of the university. It spells out the challenges and the goals for the university in this decade.

President O'Connell particulary embraces the concept explained in the report that the university enrollment should be leveled off at about 25,000 and emphasis placed on making the University of Florida the highest quality institution attainable.

He believes that a quality university must have students at all levels, freshmen through doctoral candidates and that the best environment is one in which widely diversified programs of instruction and research abound.

The university, with its 15 different colleges, is one of the leaders in the Nation in numbers of academic offerings on one campus.

Again, in talking about Steve O'Connell, I think the following taken from his retirement statement of June 28, 1973, is significant:

There is a growing awareness that the often complained of impersonal treatment of students, and others, does exist, and that it must be corrected.

It is being recognized that it is not enough for the faculty producer of education to be satisfied, the student-consumer must also be considered.

Counselling, personal and career, and academic advisement at this University, as well as at most others of any size, are roundly criticized, for the most part justly so. This past year counselling and advisement as it now exists here has been evaluated and recommendations to make it more effective have been prepared. The report due next week will, if accepted and acted upon, go a long way toward giving the students of this University adequate assistance and direction when they need it.

The establishment of programs to recruit and meet the needs of minorities classified by sex, color, national origin, or creed, both

educationally and in employment, has been accomplished with greater success than many thought possible. For the most part this has been done without affecting the high standards to which we are committed. Yet much remains to be done.

The College of Dentistry, a paper college for years, opened last September and the future of the College of Veterinary Medicine is now assured, although much remains to be done before it takes its first students in 1976 . . .

You know the quality of the faculty in your areas better than I. Nevertheless, from those I know and based upon their accomplishments, I have no hesitancy in saying that the faculty of the University of Florida is as good as any, far better than that at most universities, and has many more than its share of stars.

The O'Connells plan to move to Tallahassee after retirement. I do not know what call to public service awaits Steve O'Connell, but this I do know, it will come.

And when it comes, I predict that he will answer with the same dedication and ability that he has given every pursuit of life.

Recently when the President of the United States was considering appointments to the Supreme Court of the United States, I recommended Steve O'Connell for Associate Justice. I did so with the conviction that this is a man who would do honor to that position. I still hold to that conviction and firmly believe that he will be high among the list of those considered for future vacancies on the highest court in the land.

Be that as it may.

A chapter ends.

A new one begins tomorrow.

To Steve and to Rita, I want to express a most personal note of appreciation for their service to my alma mater. You have served in the most difficult of times. You have gained strength and respect in periods which would have collapsed couples of less strength. You have my deepest respect and I firmly believe that you have the eternal gratitude of all the men and women who love the University of Florida and in a larger sense the grateful appreciation of all who will benefit from the advances you have brought to education.

In closing, I would like to quote an editorial from the Independent Florida Alligator, the student newspaper now an independent off campus publication. I think that the O'Connells may well feel that this was the most appreciated of all the tributes they have or will be paid.

The article follows:

OUR THANKS. . .

There's probably no way we can tell for sure right now, but an era at the University of Florida is probably ending. Just as an era on the college campuses of the nation is ending or already ended.

During Stephen C. O'Connell's years as president, 1967 through 1973, American universities—UF included—went through a period of turmoil and destruction that raped the academic environment in some cases and outright destroyed campuses or schools in other cases.

The president cites success in getting a UF veterinary college, the addition to the Shands Teaching Hospital, reorganization of University College and other feats as to his credit and satisfaction. And so they are.

And there were hassles too. O'Connell made some mistakes, perhaps, and took some actions many did not like.

But not nearly as many as some would have us believe.

The Independent Florida Alligator, of course, has a special debt to the president. It was he who moved—in the face of a massive propaganda barrage—to give us our independence. Thus, we begin to move into a new era of freedom and maturity that had to be lacking while we were forcing people to pay for us through government subsidy.

However, of most importance is the fact that the president refused to allow UF to be destroyed by the violent-activist left, as so many other universities were in the late 60s and early 70:.

S. I. Hayakawa, the university president who saved San Francisco State from leftist destruction in the late 60s, recently observed that ". . . intellectual freedom on university campuses continued to decline until it reached its nadir in May 1970 at the time of the entry of American troops into Cambodia.

"For the better part of a decade, views dissenting from those of the liberal-radical left were not permitted to be heard."

And so it was. But not at the University of Florida. Even through all the screaming, the epithets, the marches in the hallways and the hit-and-run disruption of classes, O'Connell held fast.

Which means he probably saved intellectual freedom at UF, when others were scrambling to abdicate it. This, ultimately, is to his eternal and most important credit.

And for this, most of all President Stephen C. O'Connell deserves our deepest thanks.

A DISGRACEFUL COMMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues a disgraceful remark made yesterday by Mr. John J. Wilson, legal counsel for H. R. Haldeman, during a recess of the Senate Watergate Committee. Mr. Wilson's flagrant comment is quite distressing on two accounts. First, that such a remark could be made while our Nation hosts the Japanese head of state, Mr. Tanaka, is extremely embarrassing. Second, Mr. Wilson has denigrated the Japanese-American community by his comment.

Senator INOUYE, to whom Wilson referred as "that little Jap," is not only as much an American, as much an American citizen, as the attorney who made the remark, but in fact, fought valiantly and lost an arm in defense of the United States in Italy in World War II. The Senator from Hawaii, who sacrificed so much in order that the traditions and way of life of our Nation could be protected, graduated from the George Washington Law School and went on to further serve his country. Mr. Wilson, on the other hand, has presently decided that it is his duty to represent and advise not one, but two, former members of the executive branch who have clearly violated and endangered some of the very precepts that are the cornerstone of a free, democratic society.

When an individual, any individual, takes to the media to slander an American, because of his descent, he is not making only a personal affront to the target of the remarks, and indeed does not only insult a large group of Americans of similar descent, but in a very real way, defames millions and millions of Americans of many diverse ethnic backgrounds. Yet while the overwhelming majority of Americans share an acute sense of distress at the fact that in two centuries of our national life, some have not yet learned that we are all brothers and sisters in our Nation's heritage, we can still see defenders of this administration hirelings assuming attitudes of insensitivity and callousness toward a national tradition of diversity, and a common history of pride in our Nation as a melting pot. Indeed, the remark made privately, and then repeated for the media, harkens back to a strikingly similar comment by a member of the administration. When will these people learn? When will they realize that we are all children of immigrants, that we are one people? And when will they learn that the wounds which pain our people will not be healed by name-calling, character assassination, and gratuitous insult?

I do not ask an apology for Senator INOUYE—he has repeatedly shown quite well that he is a man who can take care of himself. But I do believe that as an American, I have been offended by a small man, who evidences for all to see that some in high places have a long, long way to go before they fully realize the true and great values that have forged the United States.

TEMPORARY EXTENSION OF FHA INSURANCE AUTHORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT. Mr. Speaker, I join with the distinguished chairman, Mr. PATMAN, and the distinguished ranking minority member of the committee, Mr. WIDNALL, in urging adoption of this resolution. FHA has been out of business for 5 weeks and the House is about to recess for a month. We need to take action now so that people can sell and buy their homes with the FHA insurance. The temporary extension will give us a chance, when we come back in September, to take a look at other matters that may be on the Members' minds with respect to the housing programs.

I ask that the resolution which was passed by the Senate yesterday extending FHA to October 1 of this year be adopted by the House.

GUARANTEED STUDENT LOANS

The SPEAKER pro tempore. Under a prevous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 10 minutes.

Mr. O'HARA. Mr. Speaker, during the past couple of weeks, there has been a growing concern over the impact of the Education Amendments of 1972 with specific respect to the guaranteed student loan program. If one compares the number and dollar volume of guaranteed subsidized loans this year with the same period last year, we find a serious "drop-off" in both figures.

This phenomenon has been explained

as a simple lag in the paper work, and this may account for some of the problem—but not all of it.

It has been described in other quarters as a direct effect of the "needs analysis" which the 1972 amendments require of all those who seek Federal subsidy for the interest payments on their guaranteed student loans. And, though this, too, hardly explains the entire situation, it does account for some of it.

The Special Subcommittee on Education has recently conducted a staff study and a public hearing, and explored some of the remedies that have been recommended. Given the time situation, legislative solutions were hardly feasible at least as far as the situation this fall is concerned, but the subcommittee and Office of Education officials have been negotiating to work out ways to alleviate the problem administratively.

This week, the gentleman from Oregon (Mr. DELLENBACK), the ranking minority member of the subcommittee and I have written to Commissioner of Education John Ottina. And last night we heard back from Commissioner Ottina. The effect of the letters we have had is not to solve the drop-off problem, but it may well alleviate it. At least, these letters should give student aid officers greater assurance in their use of the flexibility the law gives them in making loan subsidy recommendations at levels higher than those produced by a strict application of needs analysis systems.

In a few days, Mr. Speaker, the subcommittee will be distributing, to all members, and to the student aid communty, copies of a committee print bringing all the relevant documents together. But tonight, I insert the exchange of letters with Commissioner Ottina in the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, D.C., July 27, 1973.

Hon. JOHN R. OTTINA,
Commissioner of Education,
Office of Education,
Washington, D.C.

DEAR COMMISSIONER OTTINA: On July 23rd, Mr. Herrell of the Office of Education sent student aid officers throughout the nation a letter in which he assured them of their ability to use the flexibility the law affords them with respect to adjusting the amount of need which the aid officers recommend to lending institutions under the Guaranteed Loan Program.

In that letter, Mr. Herrell assures student aid officers that they can indeed exercise their flexibility, and that "if reasonable documentation exists, there should be no concern as to exceptions that may be taken in the future by auditors."

This sentence has, apparently, not had the full effect intended. Aid officers are vividly aware of previous HEW and GAO audits, and of strong exceptions taken by auditors with respect to awards made in alleged "excess of need."

If the student aid officers are to be expected to exercise the discretion the law gives them, and Mr. Herrell's letter urges upon them, they must be given some degree of assurance that they can carry out their professional duties reasonably free from auditors' second guessing.

Toward the end of our July 26 hearing on this subject, you were present when Peter Muirhead engaged in a colloquy with committee members over what constituted "reasonable documentation."

Our hearing was forced to recess before we could work out satisfactory questions and answers clarifying and expanding OE's instructions. Education and Labor Committee staff met subsequently with Mr. Muirhead and discussed such instructions further. This letter seeks to put into concrete form the results toward which that colloquy and subsequent discussions were tending.

If an aid officer (1) has before him the results of a needs analysis showing a computed need of substantially less than the student is asking to borrow, and (2) has in his files a statement by the student and/or his family setting forth, in a manner which does not on its face suggest fraud or misrepresentation, an explanation for being unable to meet part or all of the computed expected family contribution, and (3) that reason is consistent with the economic facts of life within that family's income bracket and region and (4) the aid officer's decision to adjust the amount of need is not clearly unrelated to those facts—may the aid officer have your commitment that your auditors will be instructed to recognize the student aid officer's authority to make an adjustment on that given loan application?

In short, given the circumstances outlined above, may the aid officer feel assured that he will not be held accountable by a future audit, even in situations where the student or the student's family have not correctly stated material facts concerning their situation?

Naturally, we are asking for no such immunity as to the student or his family. We are seeking to hold innocent aid officers harmless, not to shield intentional efforts to defraud the United States.

We would also like you to clarify the kinds of documentation that would be considered adequate to support aid officers' decisions of this kind. Would a letter from a student or from a member of his family be sufficient documentation if the student aid officer noted thereon or in a separate document that he had relied upon the information so furnished by the student or his family? Would such a letter received from a lending institution from whom the student sought a loan be equally acceptable in the same circumstances? Would a notation, however informal, written by a student aid officer to record information furnished him in a telephone communication with a student or his family or with an official of a lending institution similarly be deemed adequate documentation?

We would appreciate an immediate response to these questions. If your answers are in the affirmative, we will undertake to secure the same instructions to the GAO auditors.

Chairman Perkins of the House Committee, and members of the Senate Labor and Public Welfare Committee have indicated to you and to us their deep interest in a speedy resolution of this problem.

Very truly yours,

JAMES G. O'HARA,
Chairman.
JOHN DELLENBACK,
Ranking Minority Member.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 1, 1973.

Hon. JAMES G. O'HARA,
House of Representatives,
Washington D.C.

DEAR MR. O'HARA: Thank you for your letter of July 27, 1973, in which you set forth many of the questions and concerns regarding current procedures for the Guaranteed Student Loan Program which were raised at the July 26 hearing and in further discussions with Mr. Muirhead. I am hopeful that the information which follows will clarify the position of the Office of Education with respect to the total process of determining need, including the adjustments which can be made and the documentation required.

I should point out that the determination of need under all the financial aid programs has traditionally involved an adjustment process. The existing needs analysis services such as those provided by the College Scholarship Service and the American College Testing Program, the two largest systems, provide only an estimate of a family's ability to pay. The judgment of the financial aid officer is indispensable in determining the amount of financial support that can be contributed for a specific individual. The inherent flexibility in needs analysis is well stated in the instructions provided for the College Scholarship system:

Although accurate, objective data constitute the basis for systematic need analysis, the resulting expected contribution should not be considered scientifically accurate. Complexities in an individual's financial circumstances and difference in attitudes toward education will require that an aid officer make adjustments in order to determine the appropriate contribution from the student. In doing this, he must evaluate both the objective and subjective information available to him from all sources. *A system of need analysis must always be a guide for judgment, not a substitute.* A financial aid officer has a professional responsibility to make equitable judgments about each individual. If he simply accepts the computed need as an "answer" from a systematic need analysis, he shirks his responsibility to the institution and the student.

On Section III A of form 1260 the amount of a student's family contribution as computed by a uniformly applied needs analysis system is entered and no further documentation is required. Section III B is provided to permit a student financial aid officer to exercise his judgement and take into account the individual circumstances of a student or his family.

The circumstances in which the financial aid officer is permitted to make adjustments are basically those provided in the 7 codes in the instructions to Form OE 1260. For code 6, "cannot meet expected contribution from income", the situation you have outlined on the top of page two of your letter would certainly be reasonable. In this case, there would be no question that the Office of Education would support the institution in any case where an auditor took exception to the action of the student financial aid officer.

There are any number of ways in which such adjustments can be documented. For example, letters from a student or from a member of his family would be sufficient documentation if the student aid officer noted thereon or in a separate document that he had relied upon the information so furnished by the student or his family; or a letter received from a lending institution from whom the student sought a loan would be equally acceptable in the same circumstances. A notation, written by a student aid officer to record information furnished him in a telephone communication with a student or his family or with an official of a lending institution would similarly be deemed adequate documentation provided the financial aid officer also wrote a letter of confirmation of the conversation to the appropriate party.

While the financial aid officer must always be the final authority in any system of needs analysis, he can only do this based on the information provided by the student and his family. The student is now required to execute an affidavit stating that the loan proceeds are to be used solely for expenses related to attendance at the education institution. The federal warning clause on both the application and the supplementary form applies to the student and his family. Naturally, the financial aid officer would not be

held accountable if there were fraud on the part of the student or his family.

In conclusion, let me emphasize that the Office of Education is prepared to support the institution in any exception taken in the future by auditors where the financial aid officer has exercised his professional judgment and provided reasonable documentation of the type which I have described above for adjustments in the amount of family contribution. You have my full assurance in this regard.

Best wishes,

Sincerely,

JOHN OTTINA,
Commissioner of Education-designate.

QUESTIONS ON BOMBING OF CAMBODIA AND LAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. HÉBERT) is recognized for 10 minutes.

Mr. HÉBERT. Mr. Speaker, on July 25, 1973, the gentleman from Massachusetts (Mr. HARRINGTON) submitted a privileged resolution which was referred to the Committee on Armed Services. The resolution posed a series of 10 questions concerning the extent of the bombing of Cambodia and Laos, during the period January 20, 1969, through April 30, 1970.

Immediately, upon receipt of House Resolution 508 by the Committee on Armed Services, a written request was made to the Department of Defense for an expedited report on the questions raised in the resolution.

Subsequent to the introduction of House Resolution 508, Mr. HARRINGTON introduced an identical resolution on July 31, 1973, House Resolution 519, for himself and a number of other Members. Also, on Wednesday, August 1, 1973, Mr. HARRINGTON again introduced an identical resolution, House Resolution 520, for himself and a number of other Members.

Set out below is a communication from the Department of Defense received by the Committee on Armed Services on Thursday, August 2, 1973. The communication is self-explanatory and responsive to the questions raised in the resolutions. I wish, however, to point out that since the response to question No. 5 is classified it cannot be included in the public record. The details of the response to question No. 5 are, under Rules of the Committee on Armed Services, available to Members of Congress in the rooms of the Committee on Armed Services.

The Defense Department's letter and enclosure follow:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 1, 1973.

Hon. F. EDWARD HÉBERT,
Chairman, Armed Services Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Schlesinger has asked that I reply to your letter of July 26 which enclosed House Resolution 508.

Attached are specific responses to the questions raised in this House Resolution. As noted, some of these data are under continuing review and other information is not immediately available within the Department of Defense. We are reexamining many of these statistics and will provide your Committee with an update of them prior to the conclusion of the August recess.

In the interest of making this information available as widely as possible, all but one of these answers have been prepared in an unclassified form. The one classified question is, of course, clearly identified as such.

Sincerely,

JOHN O. MARSH, Jr.

ENCLOSURE: ANSWERS TO QUESTIONS POSED IN HOUSE RESOLUTION 508, JULY 25, 1973

Some degree of error may be expected in the statistics provided herein, primarily as a result of imprecise location of borders and disputed claims. Deviation from earlier release figures may also be expected as a result of the continuing refinement of the data base.

Question: "(1) The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, distinguished by type of aircraft."

Answer: The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identifictaion of sorties for the period 20–31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
TACAIR	191,402	22
B–52	8,520	3,630

Question: "(2) The tonnages of bombs and shells fired or dropped on Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: The following data are derived from that already provided to the Congress. They include the entire month of January, 1969. The data provided to the Congress do not permit a separate identification of sorties for the period 20–31 January 1969. We are continuing our review of these statistics to verify their accuracy. We expect that this review will result in changes to these data. Revised data will be submitted prior to the conclusion of the Congressional recess.

	Laos	Cambodia
U.S. TACAIR	476,571	*0
B–52	244,586	103,921

*Data not available.

No U.S. naval gunfire was used in Cambodia or Laos. No records are available to provide the amount of U.S. artillery expended in the two countries during this period. It is believed to be negligible if any. Not included in these figures are NVN ordnance expenditures nor ordnance expended by the opposing Laotian/Cambodian forces or other third country forces.

Question: "(3) The number and nomenclature of airplanes lost by the United States over Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: U.S. Military Aircraft Losses in Cambodia and Laos 20 January 1969—30 April 1970

	Laos			Cambodia			
	Combat	Operational	Total	Combat	Operational	Total	Total
A–1	28	1	29	0	0	0	29
A–26	2	0	2	0	0	0	2
A–4	7	8	15	0	0	0	15
A–6	7	1	8	0	0	0	8
A–7	8	10	18	0	0	0	18
AC–130	2	0	2	0	0	0	2
B–57	3	0	3	0	0	0	3
C–130	1	0	1	0	0	0	1
CH–3	5	0	5	0	0	0	5
EC–47	2	0	2	0	0	0	2
F–100	16	0	16	0	0	0	16
F–105	19	0	19	0	0	0	19
F–4	53	2	55	0	0	0	55
HH–8	1	0	1	0	0	0	1
HH–53	1	0	1	0	0	0	1
O–1	0	0	0	1	0	1	1
O–2	6	1	7	0	0	0	7
OH–6	0	0	0	1	0	1	1
OV–1	1	0	1	0	0	0	1
OV–10	4	1	5	0	0	0	5
RA–3	0	1	1	0	0	0	1
RA–5	1	0	1	0	0	0	1
RF–4	8	0	8	0	0	0	8
RF–8	0	1	1	0	0	0	1
TA–4	2	0	2	0	0	0	2
U–1	0	0	0	1	0	1	1
UH–1	9	1	10	4	0	4	14
UH–2	0	1	1	0	0	0	1
YQU–22	0	1	1	0	0	0	1
Total	186	29	215	7	0	7	222

Question: "(4) The number of members of the Armed Forces of the United States killed, wounded, captured, or missing in action while participating in missions in or flights over Cambodia and Laos during the period January 1, 1965, through July 25, 1973, including the date of and the country in which the member of the Armed Forces was killed, wounded, captured, or missing in action during that period."

Answer: This information is not currently available in the Department of Defense. We have taken action to obtain this information. It will be provided to the Congress prior to conclusion of the August recess.

Question: "(5) The sources of intelligence permitting the identification of priority bombing targets in Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the number of reconnaissance sorties flown by United States airplanes and the names and number of units involved in the collection and processing of intelligence on the ground in or out of Cambodia and Laos to identify priority bombing targets in Cambodia and Laos."

Answers:

Committee Insert:

The answer to this question is classified SECRET by the Department of Defense.

The classified response to Question No. 5, in accordance with the rules of the Committee on Armed Services, is available for review and inspection by Members of Congress in the rooms of the Committee on Armed Services.

Question: "(6) Documents giving the best

available estimate of civilian and military casualties incurred by Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the targets of bombing in Cambodia and Laos."

Answer: We have no documents which provide useful information on the totals of either civilian or military casualties in Cambodia or Laos during this time frame. Several factors prevented the maintenance of such records:

(a) Heavy jungle canopy precluded effective aerial photography.

(b) Heavy antiaircraft fire frequently prevented low flying observation craft from making post-strike reconnaissance.

(c) There were usually no on-scene ground observers to report casualties.

(d) Bomb damage reporting that does exist is fragmentary, occasionally inconsistent, and inadequate to support any estimates of casualties.

(e) It is important to realize that many civilian casualties in both Laos and Cambodia have been caused by enemy forces.

Question: "(7) The cost incurred by the United States as a result of all bombing and shelling carried on by the United States in or over Cambodia and Laos during the period January 20, 1969, through April 30, 1970, including the costs of bombs and shells, ships, and airplanes employed in the transportation, and dropping and firing of such bombs and shells, maintenance of such ships and airplanes during such period, salaries of United States military personnel, during such period, involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in bombing missions over Cambodia and Laos, and all other expenses attributable to such bombing and shelling, during the period January 20, 1969, through April 30, 1970."

Answer: Based upon the fighter bomber and B–52 sorties data used for answers 1 and 2, the estimated total costs of these sorties are as follows:

[Millions of dollars]

Fighter bomber	$1,204
B–52	343
Total	1,547

The costs of these sorties are based upon an average cost per sortie which includes such increments as fuel, bombs, maintenance and personnel. The costs do not include logistical support provided from the United States in support of operations, since these costs cannot be identified to specific combat operations. Also, an average cost for B–52 sorties has been used without differentiation between the origins of the sorties.

Also, the incremental costs of these sorties; that is, the differential between the cost of a combat sortie versus a peacetime training sortie is as follows:

[Millions of dollars]

Fighter bomber	$49
B–52	74
Total	123

Again, average sortie costs have been used and this calculation assumes that for training purposes essentially the same amount of sorties would have been flown by the aircraft in order to maintain combat proficiency.

Question: "(8) The names of the military and civilian authorities approving the decisions to undertake bombing in Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: These operations were approved by the Commander-in-Chief.

Question: "(9) The names of the military and civilian authorities approving the decisions to maintain inaccurate files and information and to submit false documents to Congress concerning the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: The dual reporting system for these operations was established to maintain the security directed by senior civilian authorities. The procedures were developed by military authorities. The senior civilian in the Department of Defense in 1969 was the Honorable Melvin R. Laird, Secretary of Defense. The senior military officer was General Earle Wheeler, USA, Chairman of the Joint Chiefs of Staff.

No military or civilian authority made or approved a decision to submit false documents to the Congress.

Question: "(10) The names of the officials in the executive branch and Congress, as well as others outside of Government, who received correct and accurate information regarding the bombing of Cambodia and Laos during the period January 20, 1969, through April 30, 1970."

Answer: Attached are two lists of DOD personnel who had varying degrees of information on these operations. One list identifies key personnel for the Planning stage and the other identifies key personnel in the Execution stage.

Listed below are members of Congress advised of these operations. They were not briefed on a continuing basis throughout the operation: Senators Russell, Stennis and Dirksen; Congressmen Rivers, Arends and Ford.

We have no lists of personnel in other departments of the Executive Branch who had access to this information.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—PLANNING STAGE, THROUGH MARCH 17, 1969

OSD: Secretary Laird, Deputy Secretary Packard, and BGen. R. E. Pursley.

JCS: Gen. E. G. Wheeler, Gen. W. C. Westmoreland, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. L. F. Chapman, LGen. J. B. McPherson, VAdm. N. C. Johnson, LGen. J. C. Meyer, MGen. G. B. Pickett, BGen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smth, Col. G. D. Roberts, Col. R. B. Sitton, and Mr. P. M. Kearney.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

The scope and depth of participation by those on these lists varies considerably, all members of the Joint Chiefs of Staff were kept fully informed. However, they were not involved in planning or discussions outside DoD except when acting as CJCS. Gen. McConnell and Adm. Moorer were the only chiefs who were acting CJCS during the planning phase.

KEY PERSONS HAVING ACCESS TO SPECIAL ARC LIGHT STRIKES—OPERATION MENU—EXECUTION STAGE, MARCH 18, 1969, TO MAY 1970

OSD: Secretary Laird, Deputy Secretary Packard, Brig. Gen. R. E. Pursley, and Capt. D. J. Murphy.

JCS: Gen. E. G. Wheeler, Gen. J. P. McConnell, Adm. T. H. Moorer, Gen. W. C. Westmoreland, Gen. J. D. Ryan, Gen. L. F. Chapman, Lt. Gen. J. B. McPherson, Vice Adm. N. C. Johnson, Lt. Gen. J. C. Meyer, Lt. Gen. John W. Vogt, Rear Adm. M. B. Freeman, Brig. Gen. M. W. Kendall, Brig. Gen. C. A. Jackson, Brig. Gen. J. E. Glick, Col. D. P. McAuliffe, Col. F. L. Smith, Col. E. S. Harris, Jr., Col. R. B. Sitton, Col. B. L. Davis, Col. J. W. Pauly, Mr. P. M. Kearney, Lt. Col. P. R. Zavitz, Col. J. S. Mace, and Col. R. A. Monge.

CINCPAC: Adm. J. S. McCain, Jr.

CINCSAC: Gen. B. K. Holloway.

COMUSMACV: Gen. C. W. Abrams.

Eighth Air Force (SAC): Lt. Gen. A. C. Gillem.

ELECTRONIC EQUIPMENT QUALITY CONTROL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Miss HOLTZMAN), is recognized for 10 minutes.

Miss HOLTZMAN. Mr. Speaker, I am introducing legislation today designed to remedy the serious need for quality control of electronic equipment sold in interstate commerce to public utilities.

The need for quality control was demonstrated most graphically last February 20 when a million people in Brooklyn were without electricity for 2½ hours because a fuse in a control circuit was one-eighth of an inch too short to make proper electrical contact.

But my study of the problem of shoddy or defective equipment indicates that it is not unique to my congressional district. To the contrary, it appears that blackouts caused by faulty equipment are being experienced throughout the country.

Electrical World Week, the journal of the electrical industry, reports the filing of at least a dozen major lawsuits in the past 4 years by public utilities throughout the country against manufacturers for failures of electrical equipment. Countless other utilities aggrieved by faulty equipment might have filed suit were it not for the resistance of the courts to the awarding of consequential damages against manufacturers.

It is high time for the Congress to "gain the attention" of the manufacturers and demand an end to the shoddy equipment that threatens the reliable delivery of electricity to the Nation's consumers.

But serious as this nationwide problem is, little attention has been focused on it. As a result, there is no national quality control of the manufacture of electrical equipment purchased by public utilities—including the critical equipment used by nuclear powerplants.

For this reason, I am introducing a quality control bill that will expand the jurisdiction of the FPC to encompass the creation and enforcement of quality control standards in the electrical equipment field and the issuance of orders to manufacturers found to be in violation of those standards.

A text of the bill follows:

H.R. 9854

A bill to empower the Federal Power Commission to prescribe and enforce quality control standards with respect to the manufacture and testing of electrical equipment for sale in interstate commerce to public utilities, and for other purposes

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

DEFINITIONS

SECTION 1. As used in this Act—

(1) The term "manufacturer" means a person engaged in the manufacturing or assembling of component parts into electrical equipment for sale in interstate commerce to public utilities.

(2) The term "public utility" means any person who engages in the sale of electric energy at the wholesale level in interstate commerce or whose business affects interstate commerce.

(3) The term "standard" means a minimum standard for electrical equipment performance and reliability prescribed by the Federal Power Commission.

(4) The term "Commission" means the Federal Power Commission.

POWERS OF THE COMMISSION

SEC. 2. (a) The Commission shall—

(1) promulgate standards with which manufacturers shall comply, for the manufacturing and testing of electrical equipment to be sold in interstate commerce and used by public utilities in the generation, transmission or distribution of electricity to consumers. Such standards shall be designed to insure proper functioning and durability of the equipment.

(2) hold a hearing upon receipt of evidence that a manufacturer is in noncompliance with said standards, and afford a fair opportunity for interested persons to testify and submit data.

(3) upon completion of said hearings, issue an order containing notice of a finding of noncompliance to any manufacturer found to be in violation of any standard prescribed under this Act. The Commission shall also notify any public utility and other manufacturers who ordered equipment from such manufacturer, or to whom such equipment was delivered or sold that such notice has been issued to such manufacturer.

(4) submit an annual report to the President and the Congress on the administration of this Act. Such report shall include—

(A) any standards promulgated during the year covered by such report;

(B) an evaluation of the compliance records of manufacturers by company name and location;

(C) any enforcement actions and court decisions;

(D) problems confronted in administering this Act;

(E) recommendations for additional legislation as may be necessary to administer this Act or achieve its purpose; and

(F) description of manufacturers' plans (submitted at the Commission's request) for taking action to comply with standards and to reimburse or otherwise satisfy their customers who have received noncomplying equipment.

(b) The Commission may request any manufacturer to allow the Commission to inspect its records, processes, machinery, equipment or procedures with respect to the manufacturing and testing of such electrical equipment.

MANUFACTURERS' DUTIES

SEC. 3. Every manufacturer shall—

(1) comply with any standards prescribed under this Act;

(2) prohibit its employees from shipping, delivering, transferring or selling any equipment after receipt of notice from the Commission that such equipment fails to comply with any such standard;

(3) submit plans, upon the Commission's request, for taking action which will put the manufacturer in compliance with standards and provide whether the manufacturer shall—

(A) bring the noncomplying equipment into conformity with any standard;

(B) replace the noncomplying equipment with equipment that complies with such standard; or

(C) refund the purchase price of the equipment (deducting a small allowance charge for use if the equipment has been used for one year or more by the public utility before discovering the first sign of equipment failure traceable to noncompliance);

(4) submit a timetable for the completion of the action required under the preceding paragraph (3) and report to the Commission on the action when completed; and

(5) be held responsible for the final piece of equipment in entirety, notwithstanding the fact that the manufacturer may have purchased component parts from other persons and assembled such parts into the final product.

CIVIL PENALTIES

SEC. 4. (a) Any manufacturer who violates section 2 or 3 of this Act shall be subject to a civil penalty equal to the greater of $10,000 or three times the purchase price of the noncomplying piece of electrical equipment. A violation of section 2 or 3 shall constitute a separate offense with respect to each piece of electrical equipment involved, except that the maximum civil penalty shall not exceed $3,000,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Commission. In determining the amount of the penalty, or whether it should be remitted or mitigated and in what amount, the gravity of the violation and the size of the business of the person charged shall be considered.

CRIMINAL PENALTIES

SEC. 5. (a) Any manufacturer who violates section 2 or 3 of this Act after having received notice of noncompliance from the Commission shall be fined $100,000 or imprisoned for not more than one year, or both.

(b) Any individual, director, officer, or agent of a manufacturer who knowingly authorizes or performs acts violating sections 2 or 3 and who has knowledge of notice of noncompliance, shall individually be subject to penalties under this section, without regard to manufacturer's penalties under subsection (a) of this section.

PRIVATE SUIT

SEC. 6. Any person may bring an action against any manufacturer for any violation of this Act which causes any personal or property damage; the United States District Court shall have jurisdiction without regard to the amount of the controversy or the citizenship of the parties.

EFFECT ON OTHER LAW

SEC. 7. The remedies provided in this Act shall be in addition to any other remedies in law.

PROMULGATION OF STANDARDS

SEC. 8. The Federal Power Commission shall promulgate standards within 6 months after the date of enactment of this Act.

FEDERAL POWER ACT

SEC. 9. The provisions of this Act shall be subject to sections 307, 308, 309, 310, 313, 314, 315, and 317 of the Federal Power Act.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, from June 14, 1973, through July 20, 1973, I was absent from Washington to be with my brother during his very serious illness, which culminated in his death. During this period I regrettably, but necessarily, missed a number of quorum calls and rollcall votes. For the RECORD, I would now like to state how I would have voted on each of these rollcalls, had I been present.

Roll No. Description, and how I would have voted

June 14, 1973

222—Amendment to H.R. 3926, "nay."
223—Amendment to H.R. 3926, "nay."
224—Final passage of H.R. 3926, "yea."

June 15, 1973

228—Amendment to H.R. 8619, "yea."
229—Amendment to H.R. 8619, "yea."
230—Final Passage of H.R. 8619, "yea."

June 18, 1973

223—Final passage of H.R. 8658, "yea."
235—Amendment to H.R. 8152, "nay."
236—Amendment to H.R. 8152, "nay."
237—Final passage of H.R. 8152, "yea."

June 19, 1973

238—Final passage of H.R. 689, "yea."
239—Final passage of H.R. 6129, "yea."
240—Final passage of H.R. 7127, "yea."
241—Adoption of H. Res. 434, "yea."
242—Amendment to H.R. 5464, "yea."
243—Final passage of H.R. 5464, "yea."
244—Final passage of H.R. 5094, "yea."
246—Amendment to H.R. 8760, "nay."
247—Amendment to H.R. 8760, "yea."
248—Amendment to H.R. 8760, "nay."
249—Amendment to H.R. 8760, "nay."
250—Final passage of H.R. 8760, "yea."
251—Adoption of H. Res. 435, "yea."

June 21, 1973

254—Amendment to H.R. 7824, "nay."
255—Amendment to H.R. 7824, "nay."
256—Amendment to H.R. 7824, "nay."
257—Amendment to H.R. 7824, "nay."
258—Amendment to H.R. 7824, "nay."
259—Amendment to H.R. 7824, "nay."
260—Preferential motion on H.R. 7824, "nay."
261—Amendment to H.R. 7824, "yea."
262—Amendment to H.R. 7824, "yea."
263—Final passage of H.R. 7824, "yea."

June 22, 1973

265—Amendment to H.R. 8510, "nay."
266—Amendment to H.R. 8510, "yea."
267—Final Passage of H.R. 8510, "yea."
269—Amendment to H.R. 8825, "yea."
270—Amendment to H.R. 8835, "yea."
271—Final passage of H.R. 8825, "yea."

June 25, 1973

273—Motion on Conference Report on H.R. 7447, "yea."
274—Motion on Conference Report on H.R. 7447, "nay."
275—Adoption of H. Res. 454, "yea."
277—Amendment to H.R. 8662, "nay."
278—Final Passage of H.R. 8662, "yea."

June 26, 1973

282—Motion on H.J. Res. 636, "yea."
283—Amendment to H.J. Res. 636, "yea."
284—Amendment to H.J. Res. 636, "yea."
285—Amendment to H.J. Res. 636, "yea."
286—Final passage of H.J. Res. 636, "yea."
287—Adoption of H. Res. 455, "yea."
290—Amendment to H.R. 8877, "nay."
291—Amendment to H.R. 8877, "nay."
292—Amendment to H.R. 8877, "yea."
293—Amendment to H.R. 8877, "yea."
294—Motion to recommit H.R. 8877, "nay."
295—Final passage of H.R. 8877, "yea."

June 27, 1973

297—Amendments to H.R. 8215, "yea."
298—Final passage of H.R. 4200, "yea."
299—Adoption of H. Res. 470, "yea."
300—Override veto of H.R. 7447, "yea."
304—Final passage of H.R. 8917, "yea."

June 28, 1973

306—Motion to instruct conferees on H.R. 8537, "yea."
308—Amendment to H.R. 8947, "nay."
309—Amendment to H.R. 8947, "yea."
310—Final passage of H.R. 8947, "yea."
311—Final passage of 8548, "yea."

June 29, 1973

313—Amendment to H.R. 9055, "nay."
314—Amendment to H.R. 9055, "yea."
315—Final passage of H.R. 9055, "nay."
317—Amendment to H.R. 8916, "yea."
318—Final passage of H.R. 8916, "yea."
319—Motion on conference report on H.R. 8410, "yea."

June 30, 1973

321—Motion on conference report on H.R. 8410, "yea."
322—Adoption of Conference Report on H.J. Res. 636, "Nay."
323—Motion on Conference Report on H.R. 7445, "Yea."

July 10, 1973

325—Amendment to H.R. 8860, "Yea."
326—Amendment to H.R. 8860, "Yea."
327—Amendment to H.R. 8860, "Nay."

July 11, 1973

329—Amendment to H.R. 8860, "Yea."
330—Amendment to H.R. 8860, "Nay."
331—Amendment to H.R. 8860, "Nay."
332—Amendment to H.R. 8860, "Nay."

July 12, 1973

334—Motion on H.R. 8860, "Yea."
335—Amendment to H.R. 8606, "Nay."
336—Final passage of H.R. 2990, "Yea."

July 16, 1973

338—Amendment to H.R. 8860, "Yea."
340—Amendment to H.R. 8860, "Yea."

July 17, 1973

342—Adoption of the Conference Report on S. 504, "Yea."
343—Motion on H.R. 6078, "Yea."
344—Final passage of H.R. 8949, "Yea."
345—Final passage of H.R. 9048, "Yea."
346—Final passage of S. 2120, "Yea."
347—Motion on S. 1752, "Nay."

July 18, 1973

349—Amendment to H.J. Res. 542, "Nay."
350—Amendment to H.J. Res. 542, "Nay."
351—Amendment to H.J. Res. 542, "Nay."
352—Final passage of H.J. Res. 542, "Yea."

July 19, 1973

354—Amendment to H.R. 8860, "Nay."
355—Amendment to H.R. 8860, "Nay."
356—Amendment to H.R. 8860, "Nay."
357—Amendment to H.R. 8860, "Yea."
358—Amendment to H.R. 8860, "Nay."
359—Amendment to H.R. 8860, "Yea."
360—Motion on H.R. 8860, "Nay."
361—Amendment to motion to recommit H.R. 8860, "Yea."
362—Motion to recommit H.R. 8860, "Nay."
363—Final passage of H.R. 8860, "Yea."

July 20, 1973

365—Amendment to H.R. 8538, "Yea."
366—Final passage of H.R. 8538, "Yea."

APPOINTMENT OF MR. VICTOR L. SMITH TO THE INTERNATIONAL JOINT COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK), is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, as the House of Representatives well knows, the last year has been a disastrous one on the Great Lakes. Almost all of the lakes have experienced unprecedented high water levels which have resulted in millions of dollars of damage to shoreline property and communities up and down the lakes. In the area of my own congressional district, Lake Erie has reached and surpassed the highest water levels since recordings were first begun in 1860. Time and time again in the past year, the Great Lakes Conference of Congressmen have met with representatives of the Army Corps of Engineers and with the three American commissioners to the International Joint Commission to explore ways and means by which the water levels could be controlled and the levels of the lakes reduced.

Many of us have felt that, if more attention had been paid to the Lakes and the rainfall patterns in the Great Lakes Basin, some of the high water problems which we have experienced during the past year could have been averted. It is my firm opinion that if strong regulations on the outflow of water from Lake Superior through the St. Mary's River had been applied earlier, the damage on the lower lakes would have been less. In addition, the four upper lakes flow into Lake Ontario through the Niagara River and the Welland Canal. While the flow through the canal is small relative to the flow through the Niagara River, it is a significant flow. Unfortunately, this past winter the Canadians decided that this year—of all years—they would close the Welland Canal for repairs. Obviously, given the rainfall situation in the Great Lakes Basin, this was one of the worst of all possible years to close the canal. While the canal lies totally in Canadian territory, it is an integral part of the Great Lakes system. Therefore, the closing of the canal was subject to objection by the American commissioners to the International Joint Commission. The American commissioners should have objected to the closing of this canal during the past winter. But because of bureaucratic ineptitude, it appears that the American commissioners were not even aware that the canal was going to be closed until early December.

These examples are just several of the many that could be given concerning the failure of the American Government to develop a strong and vigorous oversight and management policy on the Great Lakes.

It would certainly have been my hope that the experience of the last year would have impressed upon the administration the need for strengthening the management and supervision of governmental activities on the Great Lakes and in improving the quality of the American section of the International Joint Commission.

Since 1909 the International Joint Commission has been charged with the cooperative management and solution to problems which might arise on the lakes and which would involve boundary waters between the United States and Canada. These duties have included water level problems, pollution problems, and navigation and boundary problems. It is an enormous task—a task of great responsibility and a task which we have all too often failed to carry out. For example, the IJC was commissioned by the Canadian and American Governments in 1964 to attempt to develop comprehensive solutions to the problems of fluctuating water levels on the lakes. After 9 years, that study is still not completed—and it may be early next year before the final results of that study are developed.

The duties of the Commission have continued to grow over the years. On April 15, 1972, President Nixon visited Ottawa and signed an agreement with Prime Minister Trudeau for improving the quality of the waters of the Great Lakes. This executive agreement has given tremendous new authority and responsibilities to the International Joint Commission.

The IJC is made up of six members, three from Canada and three from the United States. Our Commissioners are appointed by the President and serve indefinite terms, at his pleasure.

On Monday, July 23, 1973, Mr. Eugene Weber, an experienced and capable member of the American section of the Commission, was replaced by Mr. Victor L. Smith of Robinson, Ill.

Mr. Speaker, I do not know Mr. Smith. I have not met him. I hope that he is a capable and active Commissioner.

But I want to bring to the attention of this House and the entire Congress that I seriously question Mr. Smith's experience—or better—his apparent lack of experience in areas that would qualify him to sit in judgment of important matters of international consequence involving the Great Lakes.

Mr. Smith's résumé and background do not include a single qualification that would serve to make him eligible for a job in this area of expertise or in this area of growing environmental importance.

By a real stretch of the imagination, one could possibly concoct a case for Mr. Smith because he is from Illinois, a Great Lakes State. But Lake Michigan—the lake which touches the State of Illinois—is the only one of the five Great Lakes not included within the IJC's jurisdiction as defined by the 1909 treaty. In addition, Mr. Smith lives in Crawford County, 180 long miles from Lake Michigan and the Great Lake system.

There is a great deal of pollution on the Great Lakes, including a great deal of oil pollution. Mr. Smith has been, according to this résumé, engaged in "farming, real estate development, oil and coal development, oil royalties, and insurance." Although I am pessimistic concerning Mr. Smith's previous activities, I hope that his experience in oil will help in preventing oil spills. I hope that his experience in real estate development will help us in developing a policy of sound coastal land zoning—a policy which will enable more people to use the beaches of the Great Lakes and which will prevent new developments in areas which are subject to flooding and high rates of erosion.

However, Mr. Smith does have a great deal of political experience. One might say that this appears to have been the decisive factor in Mr. Smith's appointment. For example, he served for 25 years as precinct committeeman. He served for one of the two major political parties as the Crawford County, Ill., central committee secretary and treasurer for 8 years. During the sixties he served as chairman of that party's county central committee. He has served as the State central committeeman from the 23d District and has been a campaign manager for several candidates on the State and district levels. Some years ago, he was a candidate for town clerk and elected to that fee office. In the administration of Gov. Dwight H. Green, he served as investigator in the motor fuel tax division, department of revenue.

Again, Mr. Speaker, I have not met Mr. Smith. I will look forward to meeting with him and attempting to work with him in the solution to the many problems facing the Great Lakes.

But I am sure that millions of citizens who live in the Great Lakes Basin area and the Congressmen and Representatives from the shoreline districts must share my initial concern about Mr. Smith's appointment. We cannot afford to allow the International Joint Commission to degenerate into a patronage agency. Its present duties and the potential problems that it will be facing in the years ahead are much too important. It is time that we renegotiated a new treaty with Canada that would provide for more adequate control and management of the Great Lakes. This will be a task demanding great diplomacy and experience and expertise in a wide variety of environmental and natural resource areas.

Because of this growing importance of the International Joint Commission, I have developed legislation which I am introducing today which would require that future American commissioners to the International Joint Commission be confirmed by the Senate. Such legislation would insure that, in the future, men who have experience and competence and expertise on the problems of the lakes and in the area of diplomacy will be appointed. Our international obligations to Canada require nothing less than that. Our duty to the millions of citizens of the Great Lakes Basin demand the highest quality of personnel in the International Joint Commission.

FAIR LABOR STANDARDS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 15 minutes.

Mr. DENT. Mr. Speaker, tomorrow we will vote on the Fair Labor Standards Act conference report.

I have just read the following release from the AFL–CIO Executive Council in session in Oakbrook, Ill.

I place it at this point in this part of my discussion in my special order, followed by the amount of the introduction of a clean copy of the pension reform bills:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON FAIR LABOR STANDARDS ACT

House and Senate conferees have reached agreement on a minimum wage bill (H.R. 7935) that deserves speedy Congressional and Presidential approval.

While the conference report does not make all of the improvements in the Fair Labor Standards Act sought by the AFL–CIO, it does represent important gains for millions of America's lowest paid workers.

The AFL–CIO Executive Council urges the Congress to approve this important legislation and send the bill to the President prior to the August recess.

The Council urges the President to sign the minimum wage bill without delay. A veto of this critical legislation would be unconscionable. There is no valid argument to support the denial of these long overdue benefits to those at the bottom of the economic ladder.

On the basis of the past history of amendments to the FLSA it is clear that H.R. 7935 will strengthen the economy, not weaken it; that it will provide more employment at better wages, not at subminimum rates.

Mr. Speaker, I am introducing this pension reform bill on my own behalf. While it is not a final version of what I expect to be the bill which finally passes the House, it does reflect a series of technical amendments offered in our subcommittee's hearings this year. The difference in this draft and H.R. 2 lies primarily in technical changes in the areas of fiduciary standards, disclosure, reporting, vesting, funding, and the addition of a new title dealing with reinsurance.

Originally, because of jurisdictional issues attached to insurance, this provision was not included in the original version of H.R. 2. It has now become possible to add the new title 4 on insurance, with some measure of assurance that it will not endanger the other provisions and will allow the Subcommittee on Labor to continue to manage the legislation.

Action to date has been delayed by reason of the priority given to the minimum wage law by the committee, in agreement with the Senate Labor Committee, which gave priority to pension reform.

I am confident that whatever marginal differences do exist between the various approaches offered to pension reform they will be resolved without great difficulty. I know that my colleagues are prepared to support this much needed legislation.

Mr. Speaker, I take the floor today to elaborate further on H.R. 8951, the Foreign Investor's Limitation Act, a bill introduced by myself and my colleague, the Honorable JOSEPH M. GAYDOS. One of the questions raised about the proposed measure centers around the possibility of retaliatory measures by the world community—retaliatory measures that may prompt other nations to enact similar laws, which, of course, will affect investments coming from the United States into businesses in those nations. I think two points ought to be raised in this regard. One, I am not so sure that retaliatory measures would follow, inasmuch as the world community has a genuine need for what we offer, whether technology, grain, capital investment, or arms. Second, many countries already have foreign investment limitation regulations that have acted to protect their respective economies and served them well. The countries are as diverse as their regulations—Japan, Mexico, Thailand, and Canada. All have one thing in common—a desire to control the extent of foreign investment in their own countries and to use it in their best interest. These are certainly desirable goals from a nationalistic point of view, and one that we Americans might want to seriously consider. A dose of "my country first" medicine may well be part of what we need to perk up this economy. While it is incumbent on us as a world leader to be concerned with a stable world community, it is foolish to be so concerned that we, in kamikaze fashion, advocate policies that will lead to eventual economic dependency. This causes me considerable thought. Since retaliatory action is a substantial concern. I think it is important to elaborate on the extent to which we are affected by the investment regulations of other countries. Ironically, the country very persistently pursuing investment in the United States is Japan, who for years has very rigidly controlled foreign investment.

While distinctly different from our Federal attitude, an important characteristic of the Japanese economy is the presence of strong influence and control which the government exercises over the business sector. The Arthur Andersen & Co. Trade Guide summarizes the Japanese regulations as follows:

5.02 From the postwar period through the early 1960's, severe restrictions were placed on the movement of foreign capital into and out of Japan. The government adopted a protective attitude to help solve Japan's critical balance-of-payments problem and to alleviate the anxiety over possible foreign domination of Japanese industry. While the licensing and sale of technology and know-how by foreigners to Japanese was encouraged, the government only rarely approved the establishment of manufacturing companies with foreign ownership exceeding a 50% interest.

5.03 In recent years, Japan has emerged as an economic power with a strong balance-of-payments position. Because of the growing foreign criticism of its restrictive investment policies, in 1967 the Japanese government initiated a four-stage investment liberalization program. The fourth stage was completed in August, 1971, and a fifth round of liberalization is expected in the near future.

5.04 The liberalization occurred primarily by expanding the list of industries in which foreigners were permitted to invest as well as the extent of the allowable participation. Investments in liberalized industries received "automatic" rather than "case-by-case" approval. Under the capital liberalization program, direct investments are divided into two categories. The first category relates to newly established enterprises and the second to investments in existing Japanese companies. The first category is further divided into Class I and II industries and nonliberalized industries.

5.05 The government normally approves foreign investment in Class I industries if the foreign participation does not exceed more than 50% and certain other conditions are met. However, the approval (validation) process is often influenced by the lobbying of competitive domestic firms or industry associations who may fear the greater size and technical skills of foreign firms. On the other hand, some Japanese firms seek to obtain foreign participation to bolster their position against Japanese competition and to acquire the foreign participant's technology. The list of Class I industries is extensive and presently covers 453 types of industries. Application for more than a 50% equity participation is subject to a case-by-case review and approval is infrequent although there are recent signs that the government may be adopting a more liberal attitude.

5.06 Applicants seeking to enter Class I industries must satisfy the following requirements:

1. The investment must not adversely affect existing Japanese business interests;

2. If there are several Japanese shareholders, at least one Japanese shareholder must hold at least one-third of the total equity;

3. Directors selected by Japanese shareholders must be of Japanese nationality and the number of directors must be proportionate to or greater than the percentage of shares held by the Japanese owners;

4. Quorum and voting requirements must be in accordance with the Japanese Commercial Code;

5. A company which is owned 50% or more by foreign investors may not enter into other

industries without first obtaining a new validation from the appropriate ministry; and

6. The Japanese participants in a new venture cannot contribute existing facilities to the new venture with the exception of real estate which is neither a factory nor a sales facility.

5.07 Class II industries presently include 228 types of businesses which are either well established or are of little interest to the foreign investor. The Class II industries generally include those in which Japan has little difficulty meeting international competition. Applications for foreign investment of 100% in newly established companies in these industries are automatically approved provided certain prerequisites are met.

5.08 Because of the continuing conditions attached to automatic validation, newly formed Japanese companies with 50% or 100% foreign ownership are precluded from entering into other industries by acquiring or merging with other Japanese companies without first obtaining government approval.

5.09 When the government completed the fourth stage of liberalization, in August, 1971, certain industries were placed on a "negative list" with the proviso that investment in these areas would continue to be subject to a case-by-case review. These industries are the following:

1. Primary industries related to agriculture, forestry and fisheries;

2. Oil refining industry, including oil distribution and sales;

3. Leather and leather products industry;

4. Manufacturing, sales or leasing of electronic computers (including peripheral equipment, terminal units, parts and accessories) and computer aided systems;

5. Information processing industry, including the computer software industry;

6. Retail trade operations with more than 11 stores; and

7. Real estate industry.

5.10 Applications for validation are submitted through the Bank of Japan to either the Ministry of International Trade and Industry or the Ministry of Finance. The application is usually sent to the Foreign Investment Council (a branch of the Ministry of Finance) for evaluation, after which the appropriate ministry examines the project and grants approval if the application meets certain criteria.

DIRECT INVESTMENTS

5.11 The manner by which a foreigner might invest or introduce his products into Japan depends to a large extent upon his objectives. The available alternatives are as follows:

1. Acquisition of equity in an existing company;

2. Formation of a new company;

3. Establishment of a branch office;

4. Establishment of a liaison office; and

5. Appointment of an agent.

Acquisition of Capital Stock—

Existing Japanese Companies

5.12 Because of government controls, the purchase of existing Japanese companies is a route which is not usually selected. In general, nonresident foreign investors may not directly acquire shares of Japanese companies without first obtaining approval (validation) under the Law Concerning Foreign Investments. The validation procedures apply to the purchase of existing shares as well as newly issued shares.

5.13 Approval is granted either automatically or on a case-by-case basis. Automatic approval is usually granted if each foreign investor owns less than 10% and the aggregate foreign ownership is less than 25%. Applications for stock acquisitions in excess of the above percentages are carefully scrutinized on a case-by-case basis. Approval for more than 50% ownership is rare.

5.14 Investment in certain basic industries such as transportation and banking is even more restricted and the aggregate foreign holdings may usually not exceed 15% of total equity.

5.15 An acquisition of shares of a Japanese company listed on a stock exchange is subject to the same rules as are discussed above. However, the validation procedures are simpler and are administered by the Bank of Japan. Automatic validation is granted if foreign ownership of the Japanese company will not exceed 25% (15% for companies in the restricted industries), provided that no more than 10% of the outstanding shares are held by any one foreign investor. A securities dealer or an authorized foreign exchange bank may act as agent for the foreign investor in obtaining the necessary validation.

Formation of a New Company—

Joint Venture

5.16 When Japan joined the Organization for Economic Cooperation and Development and acquired the status of an "Article 8 Nation" in the International Monetary Fund, certain commitments were made to liberalize restrictions on the flow of capital and profits and barriers on imports into Japan. Despite these commitments, the government continued to partially control the outflow of capital and profits by imposing restrictions on new investments in Japan. However, one of the significant liberalizations which occurred relates to the joint ownership of Japanese companies by foreign investors.

5.17 The joint venture company is the usual vehicle for direct foreign participation in the Japanese market. Since branches cannot usually obtain approval to manufacture or sub-contract production, the joint venture is probably the only practical alternative for establishing a foreign owned production facility in Japan. In addition, the use of a joint venture company may also have the advantages of providing an access to the Japanese market and to experienced local personnel.

5.43 There are three different licensing procedures for imports requiring payment in foreign currencies:

1. The import quota system—Quantities of each item to be imported are allocated to each importer by the Ministry of International Trade and Industry. If the Ministry grants a quota allocation certificate, the certificate entitles the holder to receive automatically an import license from an authorized foreign exchange bank. In April, 1972, only 33 commodities were subject to import quotas. The more important of these items are certain fruits and agricultural products, peripheral computer equipment and integrated circuits.

2. Automatic import quota—Importers must request allotments from the Ministry of International Trade and Industry for items to be imported. All requests are automatically approved unless the imports adversely affect the Japanese economy.

3. Automatic approval system—No allotment from the Ministry of International Trade and Industry is necessary. Importers must request approval of a foreign exchange bank; however, the request is automatically approved. Japan is currently endeavoring to place as many items as possible under the automatic approval system.

CANADA DEVELOPMENT CORPORATION BID FOR TEXASGULF

I am only sorry that the United States has no similar law to prevent the investment invasion currently taking place.

Such a law would certainly relieve the problems confronting Texasgulf, an American corporation operating in Texas, Wyoming, North Carolina, Louisiana, Pennsylvania, Utah, and abroad. Allow me to elaborate.

The case in point is the current attempt by Canada Development Corporation to buy controlling interest in Texasgulf, Inc. On July 25, 1973, in the New York Times, the Canada Development Corp. tendered an offer to all non-Canadian holders of Texasgulf common stock to purchase 10,000,000 outstanding shares at $29.00 a share, a particularly attractive price in light of the fact that the closing price on the New York Stock Exchange on July 23, 1973, one day before the offer was made, was $23.75. Ten million shares constitute approximately 32.5 percent of the total number of shares outstanding. I understand that the aquisition, in combination with existing holdings, will give the Canada Development Corp. a 52.5 percent controlling interest in Texasgulf. CDC has indicated that they may buy more than 10,000,000 shares if they are offered.

I am wondering what sort of effect Canadian control of this presently American owned corporation will have on the workers in each of the States where Texasgulf operates. What changes will come about as Canadians make the decisions that affect the communities that house Texasgulf? The move is admitted by the Canada Development Corp. to be an overt attempt to help develop and maintain strong Canadian controlled and managed corporations and to give Canadians greater opportunities to invest and participate in the economic development of Canada. I think that a noble goal and I commend our friends to the North for being more farsighted than we have been in dealing with foreign investment control. However, their magnanimous goals do not solve my problem with direct and indirect foreign investment, nor do they absolve me of my responsibility as a Member of this body to constantly maintain the economic well being of this country. Will a Canadian Texasgulf be interested in more and better jobs for Americans? Will a Canadian Texasgulf be as interested in complying with voluntary pollution control regulations? Will a Canadian Texasgulf contribute positively and continually to our GNP?

Unfortunately the answer to all three must be no, particularly since the stated primary purpose of the move is to shift to a Canadian oriented emphasis in policies.

My bill H.R. 8951, if law at this time, would effectively address the problem at hand. It would restrict noncitizens from owning more than 35 percent of the nonvoting securities, and more than 5 percent of the voting securities.

An article in Newsweek magazine—August 6, 1973, attached for insertion—states that the Commerce Department has formed a task force to study the implications of the takeover. While I commend them for the formation of the task force, I want to know what has taken them so very long to recognize that foreign direct and indirect investment is going to be a very serious economic, social, and political problem that we must contend with immediately. The situation will only worsen, and we will have fewer alternatives and remedies available to us.

I am not advocating a policy of bring-

ing to a halt the inflow of foreign investment in this country. There is nothing inherently evil about foreign investment. What I am saying is that we must responsibly harness it, channel it, and use it in the very best interest of every American woman, man, and child. I think that is a feasible goal, and a responsible one, and I would encourage every Member of this body to consider the subject of foreign investment in this country as a serious one.

The article follows:

TAKE-OVERS: CANADA'S TURN

Canadians have long chafed at the degree of control U.S. companies exert over their economy, particularly their rich natural resources. Foreigners, mostly Americans, control more than 60 per cent of Canada's mining and smelting industry, for example, and more than 90 per cent of its oil industry. But last week the Canadians took the first major step toward gathering more control into their own hands.

The government-owned Canada Development Corp. made a $290 million tender offer for what amounts to a controlling interest in the $316 million Texasgulf, Inc., Texasgulf is a U.S. company that gets 68 per cent of its income from operations north of the border, including the world's largest zinc-and-silver mine at Timmins, Ont. CDC offered $29 a share, about $5 a share above Texasgulf's market price. Success of the tender offer would increase CDC's ownership in the mining company to 35 per cent; another 20 or so per cent of the stock is already in the hands of other Canadian shareholders.

Despite recent nationalistic rumblings in Canada, the move caught the U.S. by surprise. A Texasgulf official called the tender offer a "bombshell"; the firm quickly went to court and got a temporary order enjoining the tender offer until next week. In Washington, the Nixon Administration, which had no prior warning of the offer, quickly formed a task force at the Commerce Department to study its implications. "For years we've been concerned about nationalization and expropriation," grumbled a Commerce official. "No one thought of this wrinkle." But CDC quickly denied that this was the first in a series of attempted take-overs of U.S. companies with large Canadian interests.

But the bold tender offer did give notice that the Canadians are starting to do more than just complain about foreign economic dominance. CDC is expected to take a strong hand in the future development of natural resources. And there is also serious talk in Ottawa of forming a separate national oil company to share in the future development of the country's resources.

MASS TRANSIT SAVES ENERGY

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

Mr. KOCH. Mr. Speaker, in the midst of an energy crunch that will turn into a full-scale energy crisis unless we act to avert it, immediate expansion of energy-efficient mass transit is an absolute necessity. Our recent experience with gasoline shortages, coinciding with approval of clean air plans which call for reduced urban auto traffic, dramatizes the need to shift to more energy efficient and less polluting modes of travel. Urban mass transit is more than twice as energy efficient in moving people as the more polluting urban automobile which now predominates.

One-quarter of the energy used in the United States goes to transportation. Seventy percent of our gasoline is consumed by automobiles. We have been increasingly prodigal in our use of energy for transportation in recent decades, turning away from the more efficient modes of mass transit and train systems to the more wasteful automobile, truck and airplane. More people using less efficient transportation has meant that total energy use for transportation has almost doubled in the last 20 years and continues to climb.

The Federal Government has been a major culprit in promoting more energy wasteful modes of travel while allowing mass transit to deteriorate. Our transportation priorities clearly need reordering toward a more equitable and energy wise policy.

If we are to prevent acute energy shortages in the near future, we must plan for greater energy efficiency. Transportation, an essential sector of our energy economy, holds great potential for immediate and substantial energy savings. The decline of mass transit services can and must be reversed by the investment of more funds to modernize and expand our present systems and to develop and build new ones. The Institute for Public Transportation estimates that in New York City, buses and subways are at least three times more energy efficient in moving people than the private urban auto.

Not only does sensible energy policy argue for increased Federal support of mass transit, but also the need to accommodate the larger numbers of users expected when the clean air plans go into effect. Mayor Pete Wilson of San Diego, speaking for the national league of mayors, warned recently that the necessary expenditures to acquire immediately new buses and subway cars and upgrade services would drive the cities' transit systems even further into debt unless more Federal help was forthcoming.

We can no longer afford to fail to reap the benefits of a modern, clean and energy efficient mass transit system. Federal mass transit subsidies must be provided to expand and upgrade our mass transit systems. Such a policy would not only relieve the fuel shortage, alleviate the pressure on fuel prices, reduce our dependence on foreign petroleum imports, and improve our balance-of-payments deficit; it would also improve the quality of life for people in our cities by providing them with a convenient and safe mode of travel in a cleaner environment.

INTRODUCTION OF BILL TO REGULATE THE OPERATION OF CRIMINAL DATA BANKS

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

Mr. EDWARDS of California. Mr. Speaker, in the 92d Congress, I introduced H.R. 13315, to amend title 28 of the United States Code to provide for the dissemination and use of criminal arrest records in a manner that insures their security and privacy. This bill was an attempt to establish parameters within which law enforcement agencies could utilize necessary criminal information, but without exposing an individual's right to privacy to abuse.

Several days of hearings were held on H.R. 13315. These hearings were designed to find and strike a desirable balance between the rights of individuals and the necessity of law enforcement agencies to gather and disseminate certain kinds of criminal data and information.

There are numerous and serious problems which must naturally arise when an individual's rights and law enforcement requirements conflict. There is no better illustration than in the area of dissemination of arrest records. Raw arrest records, which merely record an arrest, but not necessarily a conviction, have been used to eliminate consideration of applicants from jobs, credit, and housing which are central to any person's well-being and life. Access to raw arrest records by government agencies, not connected with the task of law enforcement, private industry, and credit bureaus, is a widespread practice. The core of our criminal jurisprudence in this country is the basic concept that a person is innocent until proven guilty, yet raw arrest records time and again reach out to injure people who have never been involved in any illegal or criminal act.

According to FBI statistics, law enforcement agencies make some 8.6 million arrests per year for all criminal acts, excluding traffic offenses. Of these arrested, approximately 4 million are never prosecuted, or have the charges dismissed. Yet, these 4 million arrests annually are inserted on individual's "rap sheets" and become a "criminal record." Unfortunately, these arrest records when circulated are treated with as much disdain as a conviction record. There is no evidence yet presented that a person arrested and never convicted is any more of a job risk, or credit risk, or tenant risk or student risk than any other citizen. When the 93d Congress convened, I reintroduced H.R. 13315 which is now H.R. 188. We held hearings on Thursday, July 26, 1973, and will hold our next hearing on Thursday, August 2, 1973, with special emphasis on the aforementioned discriminations that arise from the indiscriminate use of arrest records.

During the course of the inquiries made by the Subcomittee on Civil Rights and Constitutional Rights into arrest records and their use, we personally had the opportunity to view the operations of the Identification Division of the FBI which operates the Fingerprint Division and we also had the opportunity to tour the National Crime Information Center—NCIC.

The NCIC is maintained at the national level by the FBI. This system operated at first through local law enforcement control terminals—as of early 1972 there were 102 terminals, of which 48 were computerized—that put the FBI in direct touch with aproximately 4,000 of the Nation's 40,000 local law enforcement agencies. NCIC then cost approximately $2.3 million per year to operate. The sys-

tem contained information on stolen items and wanted persons. Of the 3.1 million NCIC files, only about 300,000 were active criminal offender records.

Federal, State, and local law enforcement agencies all contribute information to and could extract information from the NCIC files. In addition, NCIC records were searched as a part of the identification service that the FBI provides for agencies of Federal and State governments and other authorized institutions, including savings and loan associations and national banks, which seek information on an individual's arrest record for the purpose of employment clearances and licensing.

Today it is clear the NCIC then was a relatively primitive, first generation data bank. In the past 3 years with a massive infusion of more than $50 million in grants from LEAA, there has been launched a program that by 1975 promises access to computerized criminal history files kept by all 50 States that will be tied into a massive national file by the FBI. The central file will consist of comprehensive histories of persons who violate Federal laws or who commit crimes in more than one State and summary histories on offenders who have been involved solely in intrastate crimes. Any authorized inquirers, which will include any agency that now participates in the FBI's system, plus any agency subsequently permitted by the Attorney General, will have access to the central records, and will be referred to the relevant State files for further information. The individual State systems will include whatever information or intelligence the States choose to put into them and will be accessible on terms defined by each State.

I was somewhat shocked at the time of my viewing these installations to find that there was no statutory parameters that guide the operation of the dissemination of criminal information; they were operating on a statement of principle promulgated by its Advisory Policy Board. I found that while Congress had, in effect, made an initial investment of $50 million over the last 3 years to set up this system, Congress had done nothing to establish guidelines for its operation which were protective of the privacy of the citizens of the United States.

We can no longer assume that the necessary precautions as pertain to security and privacy will be established without Congress exercising its responsibility to legislate parameters for the operation of these computer data banks.

There is presently a controversy raging between the Justice Department and the State of Massachusetts as an example of difficulty with the NCIC, in particular, because there are no statutory guidelines providing for the privacy and security of these records.

The State of Massachusetts has refused to tie in with NCIC for precisely these reasons. The Chairman of the Criminal History Systems Board which has the responsibility of certifying which agencies and individuals are to be allowed access to criminal records, recently stated that when Massachusetts developed a unified criminal record system, "the potential for abuse became apparent. Most of the information is derogatory toward individuals, and it was collected solely for law enforcement purposes. We believe it should be used only for that purpose."

Simply stated, the State of Massachusetts refused to tie in with NCIC because the security and privacy of this information could not be guaranteed by the Federal system.

Their law was enacted to avoid the misuse of criminal records, the misuse of such things as stale information, mistaken arrests, and isolated, youthful indiscretions. The NCIC and all information systems that tie in with NCIC should at least be able to guarantee the same.

It is for these reasons that I am introducing today a bill to regulate the collection, storage, and dissemination of information by criminal data banks established or supported by the United States.

It is anticipated that hearings on this measure will be held in September after the recess by the Civil Rights and Constitutional Rights Subcommittee of the House Committee on the Judiciary

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THE NEED FOR 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, in recent days more and more experienced observers of the Washington scene have been saying that Richard Nixon will be out of the White House by the end of the year.

I profoundly hope their prediction is correct. The Watergate scandals have gravely impaired the capacity of the Nixon administration to govern. Even more serious, the authoritarian actions of the administration, together with the revelations of moral corruption and disregard of law within the White House as well as among Mr. Nixon's most important supporters and closest associates, have gravely damaged the American people's trust in our form of government.

Most Americans would, I am convinced, breathe easier—and might even feel 10 feet tall again—if Mr. Nixon were no longer in office.

But no one in Washington, so far as I know, expects this to be accomplished through impeachment. There are those—so far mainly Democrats—who feel the House has an obligation to vote impeachment and there are those who feel the impeachment process itself would be healthy and would clear the air, but I know of no one who believes two-thirds of the Senate would vote for the President's removal.

In the view of those who predict Mr. Nixon's departure, what has to happen—and what they believe will happen—is for the leaders of the Republican Party to make clear to Mr. Nixon that he has to go, for the good of the country and for the good of the party. This procedure would be similar to the forced resignation of a Prime Minister by his own party, and they point out that in a parliamentary democracy a government afflicted with the Nixon's administration troubles would have fallen long ago.

If Mr. Nixon is indeed to leave, something like this will be needed, for I am convinced he will not resign except under the most intense pressure. Such pressure might be provided by impeachment proceedings, but there is at present no sign that impeachment proceedings will even be brought to the floor of the House for debate. I know of no Republicans and few Democrats who favor that course.

Why is this so, in view of the widespread feeling that the country would be vastly better off without the members of the present administration?

The explanation stems, I believe, from four considerations: First, genuine doubt as to whether the President can be shown to have been guilty of "treason, bribery, or other high crimes and misdemeanors" within the meaning of the Constitution; second, the fear that impeachment proceedings would be long drawn-out and would paralyze the operations of the U.S. Government on a scale wholly different from the existing handicaps; third, a concern that the likely failure of the impeachment process would appear to place the congressional stamp of approval on the misdeeds of the administration; fourth, grave doubt about the desirability of elevating Vice President AGNEW to the Presidency, if impeachment of the President were successful—it is assumed that there is no real case for impeachment of Mr. AGNEW.

On the other hand, strong and effective political pressures upon the present administration might force both the President and the Vice President to resign. If this were the case, there is much to be said for the procedure proposed by Mr. Clark Clifford which would permit President Nixon in effect to appoint an interim successor with the consent of the Congress—the text of Mr. Clifford's article follows these remarks.

For the longer-run, I believe we must establish a procedure for holding new Presidential elections in a situation such as that in which we find ourselves today. The country ought not to be locked in to a 4-year term, with the crude and dangerous process of impeachment the only available way to force a change in an administration that has become a disaster. I have offered a resolution (H.J. Res. 547) which would amend the Constitution to provide that the Congress may by law provide for new presidential elections when it finds that "the President has lost the confidence of the people to so great an extent that he can no longer effectively perform his responsibilities." Representative GREEN of Oregon has offered a similar resolution (H.J. Res. 666) with the cosponsorship of Representative UDALL of Arizona. It is the hope of all three of us that hearings may be held soon in the Judiciary Committee so that proper consideration may be given to proposals of this kind. Since such a step would mean moving part way toward a parliamentary democracy, it should, of course, be the subject of nationwide discussion and debate.

A GOVERNMENT OF NATIONAL UNITY

(By Clark Clifford)

WASHINGTON.—As each new chapter in the Watergate tragedy unfolds, I have an in-

creasing sense of grim foreboding as I look at the future. The extent of the damage already sustained, and the worsening of the Administration's posture as further revelations occur, emphasize the fact that this is no time for partisanship. This is the time for Americans to work together to save this country.

Under our system of government, a President cannot function without the confidence of the American people. Parliamentary systems recognize this fact and a government resigns following a vote of no confidence. Under our system, however, the country finds itself facing three and a half years of spreading paralysis.

The executive branch virtually has ceased to function, and I cannot see it getting any better, only worse. It seems clear that the statements and testimony already made public are only the visible tip of the iceberg. Much more damaging facts will be revealed as additional witnesses tell their stories and as men, faced with the forbidding prospect of lengthy prison sentences, decide to tell the truth.

But we already know enough. We can see that the damage done to the Nixon Administration is irreparable. For over four years, power has been inexorably drawn into the hands of a few men in the White House. As their power increased, so did their contempt for our laws, our institutions, our form of government and the traditional American policy of fair play.

The public's loss of confidence is widespread and increasing. The credibility of Mr. Nixon has been seriously affected by four public statements he has made which are sharply contradictory. The public senses that additional admissions are made only as new revelations appear. The American people also are becoming increasingly aware of the harm sustained by our institutions of government. The factors, together with disclosures regarding illegal acts in last year's election, have created a serious crisis.

Our problem is compounded by the fact that the present Administration has come to treat Congress as an inferior branch of the Government. Instead of finding a basis of working cooperatively with the legislative branch, Mr. Nixon has criticized the Congress, disregarded its authority and denigrated its importance in our system. I feel strongly that if he had chosen to work with the Congress, our country would not be in such dire straits because of inflation, the loss of confidence in the dollar and his unilateral decision to bomb Cambodia and Laos and remain hopelessly entangled in Indochina.

Our country cannot afford to conduct its business in this manner any longer. Our problems at home are proliferating, while our position in the world is deteriorating. Every signpost indicates that conditions will continue to worsen on both fronts.

However, I suggest that the present posture of affairs is not hopeless. In searching for a solution, I recommend that we go to that noblest of all documents, the Constitution of the United States. It is there that the solution can be found. Although we do not have the parliamentary system there is more flexibility in our Constitution than first meets the eye.

The 25th Amendment provides in Section 1 that the President of the United States can resign and, if so, he shall be succeeded by the Vice President. Section 2 provides that when there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both houses of Congress.

Under the authority of this Amendment, Mr. Nixon could announce that he and Vice President Agnew had decided to resign. Mr. Agnew would then resign immediately. Mr. Nixon would then ask the Congress to present him with a list of three qualified individuals from which he would select a new Vice President. The three persons named by the Congress could be Republicans, Democrats or Independents, and would not have to be members of the Congress. Mr. Nixon would then select the person he prefered and appoint him Vice President. After the new Vice President was confirmed by the Congress. Mr. Nixon would resign and the new Vice President would become President. In taking this action, there would be no implied admission of personal guilt on the part of Mr. Nixon, but simply a recognition that misconduct by high officials of the Nixon Administration has fatally compromised its ability to function in the national interest.

Under this plan, we would then have a President and a Congress that could function together successfully. The Congress would obviously have this in mind as it selected the three candidates. Also, the new President would have a mandate to consult with and work with Congress as a co-equal branch.

One caveat would be important. The Congress should insist that the person selected to become the new President agree in advance of his confirmation that he would not accept the nomination as a candidate in 1976. This would go a long way toward preventing a political struggle in the Congress, and the intervening Administration would also serve as a valuable interregnum while the two major political parties prepared for the contest in 1976.

The advantages of a new Administration brought into office in the manner are enormous. The new President could be a man of outstanding ability and the highest character. He could bring into the Government the ablest individuals in the country. He would have no political debts of commitments. He would not need to raise any money. There would not be any bought ambassadorships, but, instead, our best-trained and experienced diplomats could be appointed to foreign posts.

In short, such an Administration could make decisions based solely upon merit, and not upon obligations incurred in getting ahead.

There is a profound and pressing need for action that will restore the people's confidence in their Government. This would mean a new, clean slate, a new White House staff, a new Justice Department, a new, experienced and respected head of the F.B.I.

Also, many thoughtful persons believe that the Nixon Administration cannot function effectively but they are reluctant to accept the two obvious alternatives. They are concerned over the traumatic impact of an impeachment proceeding, on the one hand, and their lack of confidence in Vice President Agnew on the other.

The promotion of Mr. Agnew to the Presidency would result only in a truncated operation composed of the remnants of the Nixon Administration. The present difficulty in attracting able men to serve in high Government office would be increased. It would not give the country the unity it so sorely needs. Also, Mr. Agnew's recent comment that the Watergate scandal was a "manufactured issue" has added to the ever-widening credibility gap.

The Congress could designate the three persons recommended in any way it chose. One of the simplest ways would be for the Speaker and the minority leader of the House, and the majority and minority leaders of the Senate each to appoint five members to a bipartisan commission which would confer and select the three names for Mr. Nixon's consideration.

Other Presidents have, in the past, placed the welfare of the country ahead of their personal political ambitions. President Lyndon B. Johnson, on March 31, 1968, informed the American people that he would not run again because of the division in the country over the war in Vietnam. On that occasion, President Johnson said: "What we won when all of our people united must not now be lost in suspicion and distrust and selfishness and politics among any of our people."

Under the recommended plan, Mr. Nixon could make a personal contribution of transcendant importance. It would be a magnanimous action, and would assure him a place in history for his unselfish dedication to the nation's good.

It could also transform the next three and a half years from years of bitterness, divisiveness and deterioration to years of healing, unity and progress.

BON VOYAGE TO CLAY WHITEHEAD

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

Mr. PODELL. Mr. Speaker, the proverbial "sources close to the administration" have leaked the news that Clay T. Whitehead, director of the President's Office of Telecommunications Policy—OTP—will announce his resignation later this year. Every American who believes in a free press will be pleased with this announcement.

President Nixon has always suspected that he is not a favorite of the media; so in 1970 he established the OTP as a White House agency whose only purpose seemed to be to "encourage" the broadcast industry to report the news in a manner more favorable to Mr. Nixon. Clay Whitehead was appointed in September of that year to run the OTP, and he was accountable only to the President.

Whitehead's biggest headlines came last December, when he gave a speech dealing with license renewals and TV news coverage. The coupling of these seemingly unrelated subjects was anything but accidental; what Whitehead said was that the administration would push legislation favorable to the broadcast industry—including a longer license period and fewer FCC control—in exchange for a crackdown on news reportage considered to be unfavorable to Nixon. Whitehead went so far as to suggest that local stations should refuse to air network programs which the stations considered "unfair" to the President.

Those who remember Richard Nixon's famous "last press conference" in 1962 will realize that his hostility toward the media goes back a long way. Thus it was hardly surprising that Nixon, having been elected President, established the OTP in order to try to muzzle television and radio news through the use of the "carrot and stick." The December 20, 1972, issue of Variety suggested that "the administration is trying to coerce broadcasters into reportorial docility in return for economic protection."

Dr. Everett C. Parker, head of the Office of Communication in New York City, recently stated:

Broadcasting has come very late to recognize what's going on. The Nixon administration is moving to cut down on freedom of the press. We all know Mr. Nixon's fear and distrust of the press and the fact that he has made extraordinary efforts to bend newspapers and broadcasters to his own purposes.

While we will all breathe a sigh of relief when Clay Whitehead is gone, I would like to call upon the President to completely dismantle the OTP and to give up his crusade to censor educational television and network news.

Because the American people support candor and innovation in the media, I am confident that Mr. Nixon's attempts to repeal the freedom of the press will come to naught.

FEEDING THE CONSUMER A LINE

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

Mr. PODELL. Mr. Speaker, since the beginnings of phase IV of President Nixon's economic game plan, we have been treated to the spectacle of food prices rising at phenomenal rates, while the administration merely wrings its collective hands and shrugs its multiple shoulders.

Now we are faced with a meat boycott from the other side of the butcher counter—growers are refusing to sell their animals to packing houses, and packing houses across the Nation are either temporarily shutting down or going out of business for good. In New York City, the newspapers tell of the plans of 75 percent of the city's meat wholesalers to shut down for a day, because they do not have enough to meet their week's orders.

Not only is beef being withheld from the market, but the prices of beef substitutes are rising past the point where it is economical to eat them. Chicken is selling for 30 to 40 percent more than a few short weeks ago. Lamb is becoming merely a flavorful memory for most families. Fish, if one is brave enough to eat it, costs nearly as much as the cheaper cuts of beef.

My constituency, Mr. Speaker, contains the largest concentration of senior citizens in any U.S. congressional district. Nearly one-quarter of the men and women I represent here are over 62 years of age. Phase IV exacts a greater toll from these people than from any other population group. Even with the assistance of food stamps, many of these people simply cannot afford to feed themselves. Social security has not increased its payments as the cost of living has risen. The cost-of-living increase which goes into effect next year, has been totally eaten up by the increase in food prices alone—a year before it takes effect.

We have heard so many stories about the cause of high food prices that we no longer know what to believe. As I see it, we simply do not know what makes food prices so incredibly high. But I do know one thing, Mr. Speaker, and that is that we owe it to our constituents to find out.

The current state of affairs in the beef industry suggests that the growers and packers may be in serious violation of our antitrust statutes. By withholding beef from the market, they are acting in restraint of trade. But what action has this administration taken to bust the meat trust in behalf of the consumer? None.

Last year's massive wheat sales to the Soviet Union disrupted the natural market processes in the United States. It may take years to recover. But Vice President AGNEW has gone on record as looking forward to ever-larger sales of grains to China next year. Mr. Speaker, this is the height of irresponsibility. At a time when we must make every effort to insure a plentiful supply of food at reasonable prices for our own consumers, only a few short weeks after the President told the Nation that domestic priorities would come ahead of profits on foreign markets, it is a slap in the face of the American housewife for Mr. AGNEW to make such a statement.

Is the administration merely giving lip service to the goal of controlling inflation in the food industry? Perhaps the President believes that the American public will be nourished by the lines they are being fed in the press releases generated by the Cost of Living Council and the Council of Economic Advisors.

When Secretary Shultz told the American public that they would have to eat less, he was apparently speaking in total sincerity, since that is precisely what we will all be doing unless the administration takes strong steps to determine and control the causes of inflation in the food industry.

A NATIONAL BLOOD BANK PROGRAM: AN END TO BLOOD PROFITEERING

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

Mr. PODELL. Mr. Speaker, this year, 17,000 people will develop serum hepatitis as a direct result of an ordinary blood transfusion. Approximately 100,000 people will show evidence of subclinical infection and at least 850 Americans will die. These horrifying statistics are an outgrowth of our disjointed, uncoordinated, and unsafe system of blood collection and distribution. I am introducing legislation today which will restructure our network of blood banks and reassert the responsibility of the Federal Government to protect the public health and safety. This legislation is more extensive than any other pending before the Congress and covers vital areas which previously have been neglected.

The only institution which can manage both the interstate and intrastate supply of blood is the Federal Government. My bill creates within the Department of Health, Education, and Welfare, a national blood bank program. The Secretary of HEW would be responsible for the licensing and inspection of all blood banks and the promulgation and enforcement of regulations governing purity, health, and safety. All blood being distributed in the United States would be tested for the presence of hepatitis by the newest and most effective methods.

One of the principal aims of my legislation is to develop an all-voluntary supply of blood and blood products. Although only 15 percent of our present blood reserves comes from commercial sources, they account for 25 to 45 percent of all post-transfusion hepatitis.

Commercial blood is from 11 to 70 times more likely to cause hepatitis than is voluntarily donated blood. Under the provisions of my bill, the Secretary of HEW will develop techniques and procedures to encourage the voluntary donation of blood and the phasing out of all commercial blood banks. Blood profiteers who make their living by exploiting skid row derelicts will be expunged from the system. Blood coming from commercial sources will be clearly labeled as such. For the first time, a national blood donation drive will be coordinated through a single autonomous agency.

Twenty-five percent of the 8.8 million units of whole blood collected annually is never used. This is due to inept management, poor coordination of the different geographic regions, and illogical distribution. It makes no sense to allow blood to stagnate and decompose in California while it is desperately needed in California. My legislation would mandate the establishment of a nationwide system to produce the most efficient and practical distribution of blood. By salvaging the millions of units of voluntary blood that are annually wasted, we will be able to totally eliminate our need for commercial blood.

Blood is presently being regulated under patchwork authority by the Bureau of Biologics of the Food and Drug Administration. Although well intentioned, the Bureau is demonstratively unsure of either its mandate or function. Its performance in the inspection of interstate blood banks has been lackluster and uninspired. Though the Secretary of HEW has recently announced his intention to take initiative in this area, and in spite of recent attempts by the Bureau of Biologics to rejuvenate and expand its regulatory activities, the blood industry remains virtually uncontrolled. Ignoring the urgency of a recently released comprehensive study by HEW which vividly outlines the many deficiencies and health hazards in our blood gathering network, Secretary Weinberger has given the blood industry additional time in which to develop self-regulating procedures. While he waits, thousands of Americans live in dire peril.

Present Federal regulations require that all foreign blood banks importing blood into the United States be licensed and inspected by the Bureau of Biologics. Lack of effective enforcement in this area, however, provides further evidence of the need for a national blood bank program. For example, Hemo-Caribbean, an international blood bank that does most of its blood letting in Haiti and most of its blood selling in the United States, was recently shut down by Haitian authorities as a threat to the health of their citizens. Similarly, Colombian officials were forced to take action against several other banks which import blood into the United States. These facilities were the site of frequent incidents of brutality, illness, and death. The health of both donors in Haiti and recipients in the United States was put in severe jeopardy. Why were these violations not detected in mandatory inspections by the Bureau of Biologics? The only possible answer is inefficiency and neglect. My

bill would require the Secretary of HEW to establish and stringently enforce standards for the safety of all parties involved in the blood-gathering process.

The Congress can no longer delay in enacting legislation in this vital area. Each day we wait, we permit innocent people to be exposed to unnecessary dangers. I urge the Committee on Interstate and Foreign Commerce to expedite action on this matter. Failure to act would signal our approval of the present hazardous state of confusion and exploitation in the blood bank industry. The legislation I am introducing today can provide an immediate and effective solution to our national blood crisis.

HISTORY AND CHALLENGE FACING THE COMMONWEALTH OF PUERTO RICO

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

Mr. BURTON. Mr. Speaker, as chairman of the Subcommittee on Territorial and Insular Affairs, I believe the following will be of interest to my colleagues, relative to the history and the challenge facing the Commonwealth of Puerto Rico:

SPEECH DELIVERED BY HON. RAFAEL HERNANDEZ COLON, GOVERNOR OF PUERTO RICO, ON CONSTITUTION DAY, JULY 25, 1973, THE 21ST ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO

Today we are celebrating twenty-one years of Commonwealth. These twenty-one years have witnessed remarkable progress in the democratic evolution of Puerto Rico and a consolidation of its constitutional institutions.

With a new awareness of the potential of free popular will, our people have exchanged one administration for another without altering the basic democratic principles of the community; and they have transmitted political power from the generation which founded our institutions of government to a generation which was in adolescence when these institutions were created.

A new generation of Puerto Ricans has undertaken responsibility for public affairs. This generation is now being tried in the fire of an intense struggle to carry out a wholly integrated development of our community.

Thus, we have arrived at a new beginning. We have inaugurated an Era of Good Hope and we intend to create a new Puerto Rico.

INTEGRAL PROGRESS

We have begun by viewing the problems of our country as a whole. We see them as a whole and we intend to attack them as a whole.

We all know that during the twenty-one years of Commonwealth, Puerto Rico has made dramatic and noteworthy progress. The economic indicators place us among the world's richest nations. However, we are also aware that these indicators, even though economically valid, do not express the true reality about Puerto Rico, or the level of satisfaction of our people.

The reality is that we find ourselves in an unusual stage of development, one which is, perhaps, the most critical. It is a stage when, on the one hand, we are confronting problems which accompany a high level of development—problems such as pollution and the breakdown of the environment, social dislocations, and drug addiction. On the other hand, we are dragging along with us problems associated with underdevelopment—chronic unemployment, proliferation of slums and extreme poverty.

Our economic progress has not been equitably distributed. There is too much poverty alongside prosperity. That partial prosperity, along with modern communications which allow all of us to be aware of it, even when not sharing it, creates expectations, demands and a sense of urgency in a large part of our community which are hard to satisfy at once.

At this same time, the growing political ability and maturity of the Puerto Ricans have created an awareness of the possibilities of participation. Activism is on the rise in all fields. There is concerted action toward goals in labor, student, community, and political affairs of all sorts. Puerto Rico is no longer a passive country. Instead, it has become activist, with all the related consequences.

Whoever believes that simple, rapid or improvised solutions can be found for the problems growing out of the realities of today's Puerto Rico, is deceiving himself (and others?)

The real solutions are complex. They require a complete and integrated knowledge of Puerto Rico's realities. They require the sensitivity to be able to grasp what is happening in this country. They require the fusing of different elements in order to produce satisfactory results. They require, moreover, imagination to conceive them and the will to carry them out. Above all, they require time and effort, for which there is no substitute.

Within our concept of an overall attack on the problems of our society, we have begun a series of reforms and programs directed toward resolving some of these problems in depth.

Tax reform for the purpose of widening our tax base and achieving a fairer distribution of wealth and income is underway. A fundamental revision of our system for providing health services is also underway, and at the same time we are making progress with electoral reform which will fulfill to the utmost our people's desire for political participation.

We have created new organizations, conceived with imagination and realism, to give new life to our agriculture, our countryside and our small towns. We have legislated powerful instruments to address the frightening inflation from which Puerto Rico is suffering along with the rest of the world at this moment. We have gathered together at least, in a newly-created Department, the different programs and services for fighting drug addiction, alcoholism, and related disorders.

New perspectives for our industrial development are being opened by the deepwater port project, which is being evaluated at this moment. Consideration of this idea has been open and public, with participation of all sectors in this issue. This reflects the high level of participation in basic decisions which we wish to encourage.

We are pushing reforms, programs and far-reaching projects whose results will be seen in time. At the same time, we are also running the day-to-day government; restructuring organizations, giving to government a sense of purpose of self-respect, and confronting and resolving the immediate problems which cannot wait. We are taking care of the most urgent problems without forgetting the more important ones.

Thus, while we are searching for the root of our problems, and also battling on different fronts and on various levels, we have begun the era of Good Hope. We are keeping an overall view while we push forward in particular areas. We have a lot of ground to cover and in certain areas we haven't even begun. But we hope to generate unified progress for our country, progress which may be evaluated not only in quantitative terms, but also on the basis of its quality, so that as we create new job opportunities, we may assure ourselves that our environment does not deteriorate; so that as we construct new housing and modern communications, we may avoid turning this island into a huge cement plantation, destroying the beauty which can alone satisfy the spirit; so that as we go on filling the basic material needs of our families we may always preserve the ties and relations of togetherness and mutual consideration which enrich life far more than mere consumer goods.

This is a battle being fought on many fronts at once; on the economic, the social, the political, the cultural, and the spiritual fronts. At one moment, we will be emphasizing one area; at another moment, another. We will be always watchful, however, so that when it comes time to weigh our achievements, we will have gained ground on all fronts with progress as evenly distributed as possible. This is our concept of overall development.

Today being the 25th of July, it is time to talk about political matters.

POLITICAL STATUS

Over four centuries of colonialism—interrupted only by a brief but honorable exception, the Charter of Autonomy granted to us by Spain in 1897—came to an end twenty-one years ago, when on a day like today the Free Associated State (Commonwealth) was constituted by the people of Puerto Rico in the exercise of their right of self-determination.

Today we honor that occasion as a day of freedom, a day in which the will of our people created a new political relation with the United States and gave to itself the basic instruments of self-government.

From that day on, Puerto Rico has been the ruler of its own destiny, which we have joined by our own will to the destiny of the United States of America, for the purpose of achieving the highest possible levels of civilization, while maintaining liberty, democracy, and respect for human dignity and basic human rights.

The 25th of July which saw for the first time the flag of Puerto Rico flying alongside the American flag, just twenty-one years ago, marked the end of a constitutional and consultative process initiated by Puerto Rico before the Congress of the United States by P.L. 600 of 1950.

The opening words of this law lay down the philosophic principle which was to infuse the whole process of the development of Commonwealth. Congress expressed it thus:

". . . fully recognizing the principle of government by consent, this act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption."

On this same principle, the United Nations granted its recognition to the Commonwealth the following year, expressed in a formal resolution adopted by the General Assembly on the 27th of November of 1953 to the effect that:

". . . when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination."

Thus the Commonwealth was born; its legitimacy stemming from the will of the people of Puerto Rico. It was the people who created it in the free exercise of their right to determine for themselves their own political destiny. It was the consent of the people of Puerto Rico which gave legal and moral validity to the new relationship between Puerto Rico and the United States as of July 25, 1952.

Some time later, on February 28, 1955, a high official of the government of the United States addressed a joint session of the Legislative Assembly of Puerto Rico. He expressed himself as follows:

"To me, it seems that Puerto Rico's Commonwealth status is something new in constitutional governments. Something new in this sense: that at one and in the same time, Puerto Rico is free; and in spite of the fact, Puerto Rico is associated; a free and associated state. Free because you are, and associated because you want to be."

In this simple but profound fashion, the essence of the self-determination which gives life to the Commonwealth was grasped by the then Vice-President, now President of the United States of America, Richard Nixon. He likewise grasped the solid and fruitful principles of Commonwealth liberty and association—liberty to govern our own life and our own destiny in association with the United States in such a way that we may grow, develop and mature to the limit of our ability as individuals and as a people.

From the moment that Commonwealth was born, it was expected that future changes in the relationship would be carried out by mutual agreement as part of the very nature of this new relationship.

To this effect, the Constitutional Convention approved Resolution 23, expressing that:

"The people of Puerto Rico reserves the right to propose and accept modifications in the terms of its relations with the United States of America in order that these relations may at all times be the expression of the agreement freely entered into between the people of Puerto Rico and the United States of America."

In the same spirit, the United Nations, in the resolution extending recognition to the Commonwealth, expressed their assurance that:

". . . in accordance with the spirit of the present Resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American people in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association".

Time passed, but in spite of the Commonwealth having been founded and having demonstrated itself to be a successful instrument of self-government, the status question continued to be debated in Puerto Rican politics.

In the general elections held every four years, the electorate continued to divide itself along the lines of the three possible solutions to the status problem. Finally the status question was dealt with in a plebiscite held on July 23, 1967 in order that the people of Puerto Rico might express their preference between Commonwealth, with its capability for growth and development, Statehood or Independence. Commonwealth was overwhelmingly ratified by 60.41% of the votes, Statehood receiving 38.9% and Independence less than 1%. The poor showing in favor of Independence in the plebiscite does not vary greatly from that achieved by its proponents in the general elections. At best, in the last four general elections, they have obtained some 6% of the votes.

On ratifying the Commonwealth in the plebiscite, the people approved a mandate:

". . . to develop Commonwealth in accordance with its fundamental principles to the maximum of self-government compatible with a common defense, a common market, a common currency and the indissoluble bond of the citizenship of the United States".

To implement this mandate, the people imposed upon the Governor of Puerto Rico the obligation of proposing to the President of the United States the joint formation of advisory groups (Ad Hoc Committees) to study the areas for development and to make pertinent recommendations to the President, the Congress, the Governor and the Legislature of Puerto Rico.

Complying with this mandate with great satisfaction, I initiated through the Resident Commissioner the appropriate steps with the White House to set up an Ad Hoc Committee which would be in accordance within the expressed will of our people. Everyone is familiar by now with the message which the President sent to me, indicating his willingness to heed the demand of our people by naming those members which it is his responsibility to appoint to a new Ad Hoc Committee.

What should be the goal of this Committee? Naturally it must be to fulfill the mandate of our people for the development of the Commonwealth. But what are the guidelines which the people have laid down in their mandate? How should the Commonwealth be developed?

In the first place, this growth must proceed in accordance with the basic principles of the Commonwealth itself. These basic principles are:

1. Association by compact freely agreed upon by Puerto Rico and the United States.

2. Puerto Rico should be and should remain united to the United States by means of the association which the people have created.

What is the nature of the relationship established by the people?

It is a permanent union.

How and when was it created?

PERMANENT UNION

Permanent union is the result of an historical process that began with the change of sovereignty in 1898.

It was shaped by the people of Puerto Rico and the people of the United States.

In 1952, the Commonwealth gave legitimacy to this union—legal and moral dignity—and strengthened it by basing it on the freely expressed will of the people of Puerto Rico. But the roots of union go much deeper than its constitutional expression.

Beginning with the change of sovereignty in 1898, the slow weaving of more and more extensive relationships between the two people went on; bonds were formed which grew closer and tighter with the passing of the years.

Commercial ties were formed which over time have made of Puerto Rico the fourth largest market for American products, and of the United States the largest market for Puerto Rican products.

The economies of both countries were joined at a growing rate in the fields of industry, insurance, agriculture, finance, construction and in practically every kind of economic activity

Through Operation Bootstrap, American and Puerto Rican businessmen have established heavy, medium and light industries in Puerto Rico, thereby creating hundreds of job opportunities for Puerto Rican workers. In every town on the Island the industries established jointly through this effort by the government of Puerto Rico, the American and Puerto Rican industrialist and the Puerto Rican worker are producing for the local market and, in even greater measure, for the large market of the United States.

Over the years systems have been established and rights have been granted which bind thousands of Puerto Ricans directly to the federal government—social security for example, and veterans rights earned by Puerto Ricans for their honorable part in the various wars fought by the United States.

American citizenship was granted to Puerto Ricans, and in enjoyment of their prerogatives a great number of our fellow-countrymen began to move to the continent. This number has grown to a point where today around two million Puerto Ricans make their home in the continental United States.

But this Puerto Rican emigration has displayed a special nature. The dream of every Puerto Rican who departs for the United States is to return to the Island. This is probably true of all emigrants, but the difference in the case of Puerto Ricans is that, because of common citizenship, free movement between Puerto Rico and the United States, and cheap and fast transportation between both countries, the possibility of achieving this dream becomes a reality every day for hundreds of Puerto Ricans.

The Puerto Rican in the United States clings to his identity, an identity whose integrity and development is defended by the Commonwealth. The longing to seek their roots and find their identity surges through with astonishing force among the second and third generation of Puerto Ricans living in the United States. I must confess that I saw one of the finest exhibitions of Puerto Rican artistic development that I have ever seen in the Puerto Rican district of Manhattan. I have witnessed with great emotion, in a visit to a Bronx public school, the teaching of Spanish and English to children by teachers brought from Puerto Rico; I saw the school was hung with our coat of arms and with posters of our great leaders; I heard "La Borinquena" (The Puerto Rican Anthem) sung in their assembly hall.

During recent decades we have witnessed a growing circular movement of Puerto Ricans going to the United States and returning to the Island. To define our people as those who at a given moment may be residing on the Island is therefore totally unreal. The reality is that the Puerto Rican people are in constant state of flow and movement. Hundreds of those who are here with us today will be leaving tomorow for the United States. Hundreds of those who are today in the United States will be leaving tomorrow for Puerto Rico. If there exists a truly permanent and unbreakable bond, one which makes unchangeable the union between Puerto Rico and the United States of America, it is that coming and going, that ebb and flow of this great body of our fellow-countrymen between Puerto Rico and the United States.

In the juridical sphere, common citizenship cements the real, living and palpable union. It binds every Puerto Rican, no matter where he lives, to the United States. It is a bond of such strength that the Supreme Court of the United States has determined that Congress itself cannot deprive a Puerto Rican of his American citizenship. American citizenship—bestowing rights, but also imposing upon us responsibilities which we Puerto Ricans have honorably taken up and which we are ready to fulfill at all times.

Beyond all these factors, as the foundation or breeding ground for this permanent union, are the bonds of affection and the deep values which both peoples share. These are the things in which we both believe in and in whose defense we are ready to pay any price, our faith in liberty, in the essential equal rights for every human being; respect for the majority will of the people, for the democratic system of government, and for the rule of law over the rule of men. These are the ideals which have nurtured brotherhood between Puerto Rico and the United States. Wilthin a communion of values and principles of living, we have joined our countries to confront together the destiny of humanity.

Our permanent union is, then, a vital reality forged by history, maintained by the will of the people of Puerto Rico and consecrated by the Commonwealth.

Upon this permanent union, and through the association by compact, we have built the Commonwealth. We have built it, therefore, upon the foundation of reality, which

in its various forms constitutes the firm and fundamental basis for the creation of political formulas in the world.

In projecting the political development of the Commonwealth twenty-one years since its creation, there should be no doubt that our community desires that our political development be fulfilled with the scope of permanent union. This scope is defined and limited by common defense, common market, common currency and common citizenship between Puerto Rico and the United States.

Within this framework, our people have ordained that this development achieve the maximum of self-government. In an attempt to stifle the growth desired by the people, a theory has been developed which holds that any expansion of self-government for the Commonwealth, even within the limits I have indicated, constitutes a weakening of permanent union. Those who hold this theory do not understand what permanent union is and they do not share the desire of the people of Puerto Rico to exercise their right to self-determination.

For them permanent union is not what we have just explained. For them it is something else. It is the degree of authority which the federal government exercises over Puerto Rico. According to them, the more authority the federal government has, and the less self-government Puerto Rico has, the more permanent is the union. This is fallacious reasoning, which the people of Puerto Rico reject.

Based on this reasoning, we would have to conclude that the union between Puerto Rico and the United States was most permanent during the time of the military government which was established by the United States in 1898. Following this reasoning, the Foraker Act which allowed Puerto Rico to elect the House of Representatives weakened the permanent union; it was further weakened, according to this reasoning, by the Jones Act, which gave a Senate to our people; and later by the Elective Governor Act. Still following this same mistaken reasoning, the Commonwealth Constitution and the compact of association went even further toward weakening the permanence of the union between Puerto Rico and the United States.

Obviously this reasoning is erroneous. What our history demonstrates is precisely the opposite: as the people of Puerto Rico have acquired greater self-government and greater freedom to direct their own affairs, their union with the United States of America has gained greater strength. The truth is that the union is stronger today than at any other time. History shows that as the years have passed, the ties between Puerto Rico and the United States have been voluntarily growing closer and closer.

Our friends who hold such an incorrect notion of the essence of our union should recall the words which President Eisenhower spoke on the occasion of the first anniversary of the Commonwealth. This is what President Eisenhower said in his message to the people of Puerto Rico:

"The union which we share will endure because it is founded on freedom. Time may bring changes in its outward forms and expressions, but they shall ever be expressions of the mutual trust and the mutual friendship binding us today and always."

My fellow-countrymen: I have wished to clarify the idea of permanent union so that, understanding it as clearly as the people understand and desire it, we can concentrate on the self-determination of Puerto Rico and on the development of Commonwealth without making an issue out of permanent union, because it is not an issue. Starting from the basis that any development must occur within permanent union, let us examine what it is that our people desire.

THE POLITICAL DEVELOPMENT WHICH PUERTO RICO DESIRES

The people want their own Commonwealth government brought to its fullest expression.

The people have again exercised their right to self-determination. The people propose to the United States that the Commonwealth be carried to the maximum of self-government.

This is the fundamental purpose of the Ad Hoc Committee which I have proposed to the President in fulfillment of the mandate of the people expressed in the plebiscite. Nothing less than this will satisfy the desires of the people of Puerto Rico. Nothing less than this will fulfill the stipulations of our Constitutional Convention and the dispositions of the General Assembly of the United Nations in giving its recognition to the Commonwealth.

In defining how the development of the Commonwealth will achieve a maximum of self-government, the Ad Hoc Committee will be able to address itself to a series of immediate problems which create difficulties within the present relationship. Among them is the problem of air and maritime freights; the minimum wage problem; the regulation on income allocation for tax purposes by the Internal Revenue Service; the application of the regulation of the Federal Environmental Protection Agency to Puerto Rico, as well as other limitations on our self-government. The Committee may also study alternate forms of participation which the people of Puerto Rico ought to consider, together with the Presidential Vote, to determine how they wish to take part in federal affairs, in harmony with Commonwealth status.

All this can and should be examined as a whole, in view of the plebiscite mandate for the development of a maximum of self-government compatible with common defense, common market, common currency, and common citizenship.

This means that the Ad Hoc Committee which we are setting up by common agreement must not be limited to a restricted area. Rather, it must include a group of problems which are interdependent among themselves and with all the rest of the problems of Puerto Rico. Otherwise we would fall into the possible error of artificially dividing the indivisible, of separating the inseparable.

With regard to the appointment of those fellow Puerto Ricans who will represent their country on the Ad Hoc Committee, in discharging this patriotic duty, I concur with the view of the President that the committee should be broadly representative. I will endeavor to insure that the Puerto Rican members will be representative of Puerto Rico in the broadest and most profound meaning of that term. However, my appointments will be guided by the criteria on the commitment of the Commonwealth, established for the naming of such persons by our Supreme Court, in interpreting the law under which the plebiscite was held.

Since the beginning of the century, it has become habitual in Puerto Rican political life for certain leaders to try to win in the circles of power in Washington or in the United Nations what they have lost in the ballot boxes in Puerto Rico. By circumventing the free voice of our own civic struggles, they wish to impose their own preferences on the will of the people channeled through the democratic process of the growth of the Commonwealth.

Their politically oriented lobbying will not succeed, simply because the government of the United States, just as the government which I head in Puerto Rico, has a responsibility to the will of the people of Puerto Rico. This will has been repeatedly and overwhelmingly expressed in democratic ballots. This conviction has been endorsed by the conduct of President Nixon, as it was in the past by other presidents of whatever political affiliation. This is as it should be, and I am confident it will remain so in the future.

Neither the legitimate interests of the people of Puerto Rico as a people, nor those of the United States in relation to Puerto Rico, can depend upon transitory party considerations. Our relations must be conducted between governments and between countries, without consideration of casual party lobbying. This always has been my conviction.

Only because of this can we explain the good news which we are celebrating today. If it were not so, reason, justice, and the moral and political right of Puerto Rico to those powers which will make Puerto Rican life more democratic and more just, would be subordinated to considerations of petty local politics, or removed from the democratic mandate of our people.

Moreover, and very specially, the President of the United States designated to represent him here today a high federal official whose conduct in relation to Puerto Rico is the incarnation of the principle and method of reason and justice which I have just described: our friend the Attorney General of the United States, Elliot Richardson.

In possibly his last decision as Secretary of Defense before passing to that post which he currently fills, Mr. Richardson did justice to Culebra, to Puerto Rico and to the good name of the United States.

I am very happy today to extend to him the salute and the recognition of our people on the occasion of his celebrating with us the achievement and the potential of Commonwealth.

Next week I will be meeting with other—distinguished representatives of the President's representatives to define the working agenda of the Committee and to move ahead towards the development of Commonwealth.

AN ERA OF GOOD HOPE IN POLITICAL

Because of all that I have stated, this 25th of July is a date of Good Hope for Puerto Rico; Good Hope for its overall progress; Good Hope for its political development. We rejoice, then, in our Good Hope.

Moreover, on the occasion of the 21st birthday of the Commonwealth, we rejoice because we have special reason to celebrate today the undeniable historical fact that the relationship which has grown between Puerto Rico and the United States which, even with its needs for improvement, already has great validity. This relationship has undeniably made possible the spectacular progress our people have achieved.

We rejoice because when the essential validity of Commonwealth has been put to the test in trying times, it has emerged successful. And today it is reason for special celebration that the President designated as his representative a man like Elliot Richardson who, with courage and determination, made, a fundamental decision on a problem which put to the test the essence of our relationship.

We have, therefore, many reasons to be deeply satisfied as we honor Commonwealth day today. Our creation is not perfected. It has many sensitive and delicate areas which must and will be reevaluated.

But it works. It functions well, and this, above all, is what we should celebrate today: That 21 years of existence have shown that a country small in population and size can unite with another great in numbers and territory without losing its identity, without compromising its dignity, without hampering its right of self-determination. Those 21 years have demonstrated that when the life of peoples is ruled by profound ideals of freedom, of democracy, of sincere and mutual respect and a faith in justice, the most serious difficulties can be overcome and the

hardest problems resolved; that where democracy and liberty exists, power in the long run is subordinated to justice and to reason; and that on these bases peoples can complement each other and can together seek their mutual happiness and the common progress of mankind.

What all this means for Puerto Rico, for the United States and for the world is masterfully set forth in the words of the Spanish philosopher Julian Marias, whom in conclusion, I quote: "If I am not wrong, Puerto Rico has created, in the reality and doctrine of the Commonwealth, one of the most original and fruitful socio-political formulas of our epoch—possibly the only alternative invented to date capable of overcoming the anachronistic 'nation-colony' dilemma. In an age of feeble political imagination this Puerto Rican creation could easily be overlooked. The danger is so much the greater because its size keeps Puerto Rico from becoming a sounding board. Who would suspect that in a tiny island in the Caribbean there has been hammered out a concept of universal range and of the greatest contemporaneity?"

With this great potential for making from our experience a creative contribution of universal scope for the democratic, peaceful, and brotherly development of other peoples, Puerto Rico faces its rendezvous with destiny.

ESTABLISHMENT OF THE COMMONWEALTH OF PUERTO RICO

JULY 25, 1952.

(By Luis Muñoz Marín)

At the close of my address I shall unfurl the flag of the people of Puerto Rico. This act will mark the establishment of the Commonwealth in a voluntary association of citizenship and affection with the United States of America. We shall see in this flag the symbol of the spirit of our people facing its own destiny and that of America as a whole. The flag of the smallest community of the hemisphere will fly together with the flag of the United States and will proclaim to the world that Democracy declares all peoples, as all men, equal in dignity. Puerto Rico is honored to see its flag wave side by side with the flag of the great American Union; and the Union, with its great democratic conscience, must feel gratified that the flag of a vigorous-spirited people pays it the tribute of voluntary companionship on the flagstaff of liberty.

The flag of Puerto Rico does not signify narrow nationalism. It does not restrict the love and respect the Puerto Ricans feel toward the other peoples of the earth. And it is the flag of all Puerto Ricans: the flag of those who used it in the past as a symbol of terrorism, and the flag of those who use it now as a symbol of peace and courage. We rescue this flag for those very persons who tried to reduce it to a device for dissension. We claim this flag as a rallying point for the unity which exists wherever diversity of thought and a free dissemination of ideas prevails.

We see in the flag not the mistrust of others but rather confide in ourselves and fraternal respect towards all. It is the flag of courage, friendship, unwavering faith, peace, and hope: the great qualities of the Puerto Rican people. This is the flag which has left behind obsolescent nationalism and which rises above political demarcation: it is rather a flag of Christian brotherhood.

Our people come closer every day to the ideal which this flag represents. It is that of a tranquil life where there is honest work for a decent wage; though few may obtain luxury, none will live in a slum. This, the people see in their flag.

Our families live serene in the knowledge that their children will be educated and that illness, old age, and misfortune will be mitigated by reasonable protection. This, the people see in their flag. Some, if their efforts deserve it, may have more or even much more than this but none shall have less—this, too, the people see in their flag. That our daily task shall be accomplished gladly and in freedom with due regard for rights and duties and mutual respect; and that the exercise of free enterprise for the general welfare shall be deemed a duty and not only a right—this our people see in their flag.

Liberty is enshrined in the hearts of our people. They know that either the denial or the abuse of liberty is incompatible with the flowering of the human spirit. As between these unhappy alternatives, the abuse of liberty is preferable to its denial; and with democratic stoicism the people see this choice represented by their flag. But superior to both is the exercise of liberty with the dignity it deserves—this above all the heart of the people see in their flag.

The fraternal feeling which we have towards all men—I repeat—is in this flag. We see increasingly that which we already know well: that men everywhere are more alike than unlike. This is the wisdom reflected in our flag.

Puerto Rico is a bastion of that spiritual resistance to a nationalism that is destructive of peace and of hope. This unshakable ideal of resistance is in the flag today and will be there forever.

We can rejoice, then, that our flag represents these good and enduring things: liberty, serenity, justice generosity, and the will to work; the feeling of kindliness to one's neighbor; the culture which means modesty and the good life in our dwellings, happiness in our toil, protection against ill fortune, abundance and simplicity in our fare, gaiety at our fiestas, neither poverty nor luxury in our habits, and virility in defense of our rights. We value a man more for that which he intends to do than for that which he intends to acquire. We are reverent in our love of God. All this the flag represents to us, for our people have put their hearts and their souls in this flag, which I now raise in the name of all Puerto Ricans.

God bless it.

ADDRESS BY THE HONORABLE LUIS MUÑOZ MARIN, FORMER GOVERNOR OF PUERTO RICO, ON THE ONE HUNDRED AND FOURTEENTH ANNIVERSARY OF LUIS MUÑOZ RIVERA, JULY 17TH, 1973

I believe that we do justice to the memory of Muñoz Rivera by speaking simply and in basic terms of the future of Puerto Rico, and how Puerto Ricans can together make possible the good life in a good civilization, in the best sense of that phrase, as distinct from the modern expression "the good life", with which it is sometimes confused.

I do not come here to offer praises for what we have achieved, which is a great deal. I am here instead, to talk about all that we have not done, or have done insufficiently, which is perhaps even more.

By any index of economic progress, Puerto Rico's development can be compared to that of the most industrially advanced countries in the world. In what we have done with that progress, however, we cannot be equally proud. We are mired in an unjust and perplexed world, and we have not distinguished ourselves for the better or for the worse in the non-economic sphere. We have increased the production of goods and services by more than twenty-fold since 1940, from $225 million to $5.0 billion yearly, but there has been no great lessening of the injustice by which this new production is distributed among Puerto Ricans. We could say that we have exchanged a general scarcity and poverty for an aggregate prosperity the unjust distribution of which is both an affront and a challenge to our consciencee. Perhaps this could not have been otherwise. Since poverty was so pervasive, that little could have been accomplished with any kind of redistribution plan. We did try to redistribute income, but it was soon apparent that it was imperative to concentrate on the production of new wealth. There was hunger everywhere, and to parcel out equitably the scant supply of bread would not have palliated this hunger. It was necessary to produce more bread. We had to wage and win the battle of production, and thus more energy was concentrated in the making of wealth than in its just division. It is now time, however, to face that other challenge: the shifting to new priorities.

We are on the verge of a new era for a new Puerto Rico. Five billion dollars of gross national product annually not only permit, but even compel us, to establish new goals more in accord with the principles of justice and of the good society; yet we must always remain mindful of the deep need for further economic development. While we must continue our progress, we are not now forced to pursue it in a desperate and haphazard manner. Instead we may now choose a more deliberate path. Our will for a better life, for the necessary quality in human relations, should and could predominate over the crude motivation of mere economic growth—for economic growth is not an end in itself. The real challenge, and that which is today our task, is to use this progress to respond to the just needs of the people of Puerto Rico. I believe that this can be done in the following manner:

(1) by acting equitably, within the law and in good faith, to redistribute income directly and in community services;

(2) by eliminating the present contamination that degrades our environment—in the air, the water—and by controlling any future sources of pollution;

(3) by reducing to a minimum the rate of unemployment;

(4) by developing a new public policy to provide a reasonable minimum income to every family, putting an end to poverty;

(5) by developing a rapid, comfortable, and modern system of public transportation, not only for the metropolitan area but also for the rural regions of the Island: More rails than asphalt—for roads without rails will produce only bottlenecks and turn our highways into little more than corrals for automobiles;

(6) by providing attractive and modern low cost housing in place of slum dwellings;

(7) by saving the fields of Puerto Rico for agriculture and recreation and reshaping our urban policy: stopping urban sprawl and in its place establishing new towns with good transportation links;

(8) by stimulating programs in family planning with all the means available, and in the most energetic and effective manner, to prevent unchecked population growth from precluding gains in the quality of Puerto Rican life;

(9) by providing adequate medical treatment for all on the Island, including the victims of vice and drugs;

(10) by multiplying the resources needed to educate every child and every young person in Puerto Rico, and by raising the quality of education;

(11) by restoring civility and security to the streets and the homes of Puerto Rico;

(12) by using all the means available to today's ELA to work persistence and patience to reach the point where Puerto Ricans are able to exercise autonomously all the powers not necessarily reserved to the United States by nature of the covenant of permanent union based on common citizenship.

Each of these points I have mentioned are an integral part, and an important function, of a just distribution of resources and income.

It is evident to me that our current distribution of net income in Puerto Rico is not a fair one. According to the most recent (1970) census, this distribution was as follows for the 565,000 families that constitute the population of Puerto Rico:

Family income and approximations, 1970 census

Families with less than $500—13 percent—72,000.

Families with $500 to $1,000—9 percent—49,000.

Families with $1,000 to $2,000—14 percent—78,000.

Families with $2,000 to $3,000—13 percent—80,000.

Families with $3,000 to $4,000—11 percent—64,000.

Families with $4,000 to $6,000—15 percent—82,000.

Families with $6,000 to $10,000—15 percent—82,000.

Families with $10,000—11 percent—58,000.

Thus, 13 percent of our families must make do with less than $500.00 yearly! And even in the wealthier strata, only 11 percent of our population can count on more than $10,000.00 yearly! Is it for this dim outlook, even allowing for the rise in prices and in population, that we have increased our production since 1940 from $225 million to $5 billion? Is it just that there are families that must subsist for 365 days of each year with less than $500.00? Is it fair that we legitimize the right of some to dispose of millions, with or without personal merit, but surely without so much merit, while there are others who live in squalor and misery? Is there a person in this world who can be said to be one thousand times the "worth" of another? Or even one hundred times another's "worth"? There may well be such a person, among those that discover a relief for the source of great human agony, or among those who discover a truth heretofore unknown and thus save from pain and suffering one being or a whole people. But we know that such noble persons would ask for no material reward.

The unjust distribution I speak of is not confined simply to that which is purely monetary. Injustices are evident in the opportunities for quality education. We find that in our school system there are forty to fifty students for each teacher; and we must operate double shift systems; and that there is terrible inequity in opportunities for a college education. This is an injustice caused not by positive law or by the basic system, but more simply by an inability to provide quality schooling. Injustices are also evident in the availability of adequate health care. One can frequently see the corridors of public hospitals overflowing with people in need of medical treatment. One must be truly affluent to be able to afford the cost of private hospitalization. There is also the great problem of the degradation of the environment, which affects both rich and poor with equal injustice. The effort to increase the economic base must continue. But we now have the means by which we may guide this effort with a clear sense of the true and noble goals for which we must—as well as for which shapeless and mindless ends we must not—use this economic base. We must not now create a society of unnecessary consumption, side by side with painful and frustrating poverty. We can easily observe that there are three times more free seats in automobiles than places occupied by children in our schools. We see windfall gains in land speculation at the expense of agriculture and of the production of nutritious foods. We have today a contrast between excessive individual wealth and extreme poverty that constitutes an affront to our conscience and to our sense of honor.

How can we plan to redistribute this wealth when Puerto Rico doubles its current total income from $5 to $10 billion per year which at the current rate would happen in 8 years? Perhaps we should instead allow for 16 years since choosing selectively the paths to and the means of economic progress and to adapt our economic system to the ideals of good civilization may reduce this rate of growth and the proportionate increase in wealth. In 16 years the population of Puerto Rico could be 4 million and there could be 1 million families. What would be, then, a just distribution of income among those families, taking into consideration the right of each human being to free himself from poverty whatever his capabilities, and considering also the human characteristic to expect greater remuneration in payment for the exercise of greater capabilities? I venture to project the following scale of distribution of income that Puerto Rico can set as a goal for itself, as an ideal of economic and social justice.

Families earning $8,000 to $10,000—70 percent—700,000.

Families earning $10,000 to $15,000—20 percent—200,000.

Families earning $15,000 to $20,000—5 percent—50,000.

Families earning $20,000 to $30,000—3 percent—30,000.

Families earning $30,000 to $40,000—1.4 percent—14,000.

Families earning $40,000 to $70,000—0.6 percent—6,000.

I believe that a series of wise public policies could make it possible for us to approximate this goal in 16 years.

The function of our political status is to help us achieve the quality of life that the people of Puerto Rico want to create for themselves. This goal that has been so often repeated and so repeatedly forgotten, is among the three basic things I have been able to give to my people. I am convinced that the ELA as it is today, and even more as it will be when it reaches its greatest development within the permanent union with the United States, is the only status by which we can realize the ideals of justice and civilization to which we have addressed ourselves tonight. Political status, I repeat, as I will repeat one hundred times more, is needed to serve those high human ideals, and not to divert us from realizing them—not, then, to block and destroy our path to a better society.

The people of Puerto Rico have demonstrated clearly and consistently their desire for permanent union with the United States. But the people of Puerto Rico want this permanent union together with the greatest self-rule compatible with that union. I hear talk about tightening or loosening the ties between Puerto Rico and the United States. I say to all my countrymen that to tighten sometimes chokes and smothers, and that the only democratic way to stengthen bonds is to loosen and destroy chains.

As time passes one's life becomes shorter, and occasions such as tonight's become limited. It is in the nature of things that I will not be able to address you on this anniversary as many times in the future as I have been able to in the past. I accept without false modesty the merit that accrues to me for that which I have been able to do for this land in the last one third century in the company of so many good and generous people. I must also accept responsibility for that which could have been accomplished but was not. I ask you to think deeply with me on what has been said today. Think deeply, those of you who suffer most heavily the inequities of our unjust world, and search your hearts for ways in which to ameliorate your circumstances. We ask as well that those of you who have the good fortune of not suffering as harshly the world's injustice also to think deeply and to join the generous militance of your conscience in this quest. Let us all, then, reflect deeply on the great Truth that in the long history of Man what is unjust for some is unjust for all. The palace is not independent of the slum, nor is the plenty of some free from the poverty and deprivation of others. It is the whole of Puerto Rico that is unjust with itself. It is Puerto Rico itself and Puerto Ricans themselves who, with deep thought in behalf of a clear conscience, must find the means to put an end to our own injustice.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 27, 1973.

Mr. JAMES H. FALK,
Assistant Director, Domestic Council, The White House, Washington, D.C.

MY DEAR MR. FALK: I appreciate the opportunity to confer with you, Mr. Fairbanks, and Mr. Rondon on March 14, 1973. In accordance with our conversation, I shall, in this letter, attempt to summarize the suggestion which I made. My suggestion pertains primarily to action which the United States and the Commonwealth of Puerto Rico might take as the next step in the progressive development of a relationship with the United States which the people of Puerto Rico hold very dear. In our estimation the Puerto Rican Federal Relations Act of 1952 which sets the terms of this relationship, is anachronistic.

BACKGROUND

As you know, the United States and the Commonwealth are jointly committed to such progressive development. It was implicit in Public Law 600—81st Congress (July 3, 1950), which was expressly adopted "in the nature of a compact," which recognized the right of the people of Puerto Rico to "organize a government pursuant to a constitution of their own adoption." A part of this compact was the Federal Relations Act which continued in effect certain provisions of law dating back to 1900 as amended in subsequent years, governing the relations between Puerto Rico and the United States. The evolutionary and creative nature of Commonwealth, inherent in the whole history of the relationship itself, was underscored by several specific modifications of the federal relationship, effected by Act of Congress and of the people of Puerto Rico, jointly. In addition, this evolutionary concept is reflected in a series of initiatives which beginning with a resolution of the Legislative Assembly of Puerto Rico in 1962 have not as yet come to fruition.

In 1964, both governments joined in the creation of a United States-Puerto Rico Commission on the Status of Puerto Rico. (Public Law 88-271, February 24, 1964, enacted by the Congress, and Law No. 9, April 13, 1964, enacted by the Legislative Assembly of the Commonwealth.) The function of this Commission was to "study all factors . . . which may have a bearing on the present and future relationship between the United States and Puerto Rico."

In 1966, the Status Commission issued its report, proposing a plebiscite on the status of Puerto Rico, in which the people of Puerto Rico would express their choice between Commonwealth, Statehood and Independence. It was explicitly understood that, as provided in the 1962 Resolution of the Legislative Assembly of Puerto Rico, a vote for Commonwealth would constitute a vote, not for a static form of that relationship as it existed at the time, but a vote to "maintain . . . further growth of the Commonwealth." The Status Commission recommended that if the people voted for Commonwealth, so defined, "a joint advisory group or groups would be convened to consider these proposals."

THE PLEBISCITE OF 1967

In a plebiscite held July 23, 1967, pursuant to an Act of our legislature and following the recommendations of the Status Commission, more than 60% of the voters cast their ballots in favor of the Commonwealth alternative as against action leading towards Statehood or towards Independence. Specifically the plebiscite act and the ballot provided that a vote

for Commonwealth involved "the reaffirmation of the Commonwealth . . . as an autonomous community permanently associated with the United States and for the development of Commonwealth "to a maximum of self-government compatible with a common defense, a common market, a common currency and the indissoluble link of the citizenship of the United States."

Unfortunately, no effective action has been taken to implement the plebiscite mandate. President Johnson expressed his readiness to appoint a joint advisory or advisory groups to implement the plebiscite decision. Local political problems prevented Governor Roberto Sanchez Vilella, from following up President Johnson's invitation made on August 17, 1967. Two years later, his successor, Governor Luis A. Ferre, leader of the statehood party, did act, but, contrary to the advice of the proponents of Commonwealth, he limited the scope of the advisory group to one item—the Presidential vote for Puerto Rico. That limitation was challenged in court by the Popular Democratic Party, whose position was that all measures conducive to a maximum of self-government had to be considered jointly. Five of the eight participating judges stated that such restriction violated the clear intent of the Plebiscite Law—the other three did not express themselves on these grounds—but a majority of the court held (5 to 3), on procedural grounds, that no legal remedy was available. See 98 DPR, pp. 339–475 (1970).

In accordance with Governor Ferre's initiative, an Advisory Group was appointed in April 1970 by joint action of President Nixon and the Governor. The Advisory Group reported in August 1971, recommending extension to the people of Puerto Rico of the right to vote for President and Vice President and proposing that this recommendation be submitted to the people of Puerto Rico for approval or disapproval in a referendum.

The Commonwealth (Popular) Party has again taken the position that the 1967 plebiscite calls for the presentation to the people of all measures conducting to a maximum of self-government and not a single isolated item.

The mandate of the 1967 plebiscite remains unfulfilled to this moment.

THE NEED FOR IMPROVEMENT OF COMMONWEALTH

In the November 7, 1972 elections, with the political status once again in the forefront of basic issues, the citizenry endorsed fully the continuation of Commonwealth as well as its early improvement. The basic success of the Commonwealth idea constitutes a unique development in America. On the face of its achievements and its continuing popular support it deserves the fullest opportunity to be strengthened and safeguarded.

The very fact that Puerto Rico has not repeated the traditional patterns of territorial incorporation or of nationalistic movements but has chosen to brave the unchartered seas of innovation renders Commonwealth particularly vulnerable to honest misunderstandings and to vicious attacks.

At present, in the light of the experiences and ideologies of the former European colonies and the rhetoric of colonial liberation prevalent in Africa, Asia, Latin America and the Caribbean, progress and freedom in Puerto Rico are, and dialectically are almost bound to be, under constant attack. For we represent a basic commitment to rationality; to the realities and not the cliches of freedom; to improvement under law; and to good will among men. But such a commitment runs counter to the experiences, doctrines and tactics of the so-called third world. Commonwealth is not a story which has the quick, superficial appeal of formal independence, nor is it an easy course to create or to follow. It represents a style of heroic maturity which one can only hope will come into its own soon.

Puerto Rico's preeminent merit is that it has remained loyal to humane values and to the democratic process while struggling with difficult realities. But it would be illusory to suppose that Puerto Rico's own political process may remain static while everything changes in its surrounding world.

As an emerging society and as a post-colonial society, Puerto Rico cannot escape the tensions of the past and the present decade. As recently as September 1972 the so-called De-Colonization Committee of the United Nations, prompted by Cuba, aided and abbetted by nationalist and independence groups in Puerto Rico and under the leadership of Bulgaria, China, Czechoslovakia, Russia, Iraq, Ecuador, Tanzania, Mali, India, Yugoslavia, Sierra Leone and Syrian Arab Republic, endeavored to declare Puerto Rico a non-self governing territory. The resolution was finally watered down to provide for carrying out a study for the same purpose.

Pressures from this group of nations, however, and of many others who share their views or who cater to them, are bound to result in continuing and repeated attacks upon the United States and Puerto Rico. Only the reality of steady progress and development will enable us effectively to reply to these assaults and to demonstrate that they are unjustified.

THE SUGGESTED ACTION

A relatively simple and effective step could be taken now which would be in furtherance of the commitment of the United States and the Commonwealth. This would be the joint creation of another Advisory Group, selected by the President and the Governor of the Commonwealth. The mandate of this Advisory Group would be twofold: First, to delineate and clarify all measures conducting towards a maximum of self-government for the Commonwealth of Puerto Rico within its relationship with the United States. The experience of the past twenty years permits the identification of several matters which ought to be settled in keeping with the principles heretofore accepted by the United States and Puerto Rico. Within these principles, one would hope to effect appropriate participation by the people of Puerto Rico in the powers exercised by the Government of the United States in matters affecting Puerto Rico as well as maximum autonomy for Puerto Rico's continued development as a self-governing community. Second, to recommend the most suitable, effective, and expeditious means for the formulation and joint consideration and adoption of specific measures for such development.

You will recall that, in our meeting, I illustrated some of the problems and possibilities that the Advisory Committee might consider: For example, possible changes in regulation of television and radio which is now exclusively committed to the F.C.C.; coastwise shipping laws; the special mechanism provided by statute for fixing minimum wages in Puerto Rico; and the possibility of devising some mutually satisfactory mechanism for improved Puerto Rico participation in federal laws and administration applicable in Puerto Rico.

Once the Advisory Committee has identified the basic themes it might complete its task by referring the matter to the President and to the Governor of the Commonwealth.

The guiding objective would be for them to consider and agree upon joint proposals to be submitted to the Congress and to the people of Puerto Rico. Or the Advisory Committee might wish to refer its conclusions to the people of Puerto Rico for subsequent formulation of specific proposals by them. Said proposals in turn would be submitted to the President and to the Congress, following the model of Public Law 600—81st Congress. Alternatively the Committee itself might devise other modus operandi. In any case juridical modifications would have to be approved both by the Congress and by the people of Puerto Rico.

If this suggestion appears to you and your associates to be feasible, the appropriate procedure would seem to be for the Governor of the Commonwealth, to write the President, formally inviting the joint appointment of an Advisory Group for this purpose. I shall, of course, be glad to discuss the suggestion with you and to have the benefit of any suggestions that you and other officials might make with respect to changes or otherwise.

Again, I express my thanks to you and your associates for your helpful consideration.

Cordially yours,

JAIME BENITEZ.

THE WHITE HOUSE,
Washington, D.C., July 17, 1973.

HON. RAFAEL HERNANDEZ-COLON,
Governor of the Commonwealth of Puerto Rico, La Fortaleza, San Juan, Puerto Rico.

DEAR GOVERNOR: In response to your request transmitted through Resident Commissioner Jaime Benitez, the President shares your belief that this is an appropriate time, in the best interests of all American citizens, to establish another jointly-appointed, broadly representative Ad Hoc Advisory Group to explore an area of mutual concern in the relationship of Puerto Rico and the United States.

In order to determine the appropriate area of exploration by the Advisory Group and to give precise direction to their efforts, the President has asked Richard Fairbanks, Associate Director of the Domestic Council staff and me to go to Puerto Rico in the very near future to confer with you and your advisors on the important details of membership, timing and charter. We would hope that, inasmuch as the recommendations of the first Ad Hoc Advisory Group established pursuant to the findings of the Status Commission, regarding the Presidential Vote, are still outstanding, the recomendations would again be specifically addressed.

The President has asked me to convey to you his confidence that this group will produce useful recommendations toward a favorable resolution of its mandate in the mutual interest of both the United States and Puerto Rico and to extend to you his commitment to the continued progress and prosperity in the years to come of the Commonwealth of Puerto Rico.

With all good wishes,

Sincerely,

KENNETH R. COLE, Jr.,
Director, Domestic Council.

A RESOLUTION FOR RESTORING NORMAL FRIENDLY RELATIONS BETWEEN THE UNITED STATES AND SWEDEN

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

Mr. MEEDS. Mr. Speaker, I am pleased to join today in cosponsoring the gentleman from Minnesota's (Mr. FRASER) resolution that normal friendly relations be restored between the United States and Sweden.

The necessity of this resolution results from a display of extended petulance by President Nixon because of Swedish disagreement with our conduct in Southeast Asia. There has not been an American Ambassador in Stockholm for nearly a year and the administration has tacitly refused to receive an Ambassador from Sweden since January.

At a time when we are exchanging visits and warm toasts with nations not long ago regarded as bitter enemies—and I do support our diplomatic initiatives toward Russia and the People's Republic of China—it is nonsense to exhibit such unbecoming behavior toward a nation basically friendly to the United States and the homeland of many American citizens. Apparently the only sin Sweden has committed has been to sense the folly of our Southeast Asian policies before many Americans did and to express its objections.

Sweden as a nation has existed long before there was a United States and its emigrants have contributed greatly to our culture. Because a nation is friendly to the United States, it is absurd to insist—as apparently the administration is doing—that our friends are not our friends unless they follow every quirk in our foreign policy. The purpose of this resolution is simply to try and bring the administration to its senses and end this petty vindictiveness toward Sweden.

AN INTERVIEW WITH MELVIN LAIRD, COUNSELOR TO THE PRESIDENT FOR DOMESTIC AFFAIRS

(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, I believe all of us who served with him here in the House were gratified when it was announced that our former colleague, the Honorable Melvin R. Laird, has accepted the responsibility of Counsellor to the President for Domestic Affairs. Speaking personally, I can say that Mel's experience and knowledge of government and of the legislative process, as well as his reasonable approach to problems and amiable approach to people have already proven enormously helpful to me and much more importantly, to the urgent business before the country. After a month in his new role, Mel has submitted to questions by the media in two recent sessions and I know that Members will be interested in his forthright comments which I insert in the RECORD at this point.

AN INTERVIEW WITH MELVIN LAIRD, COUNSELOR TO THE PRESIDENT FOR DOMESTIC AFFAIRS, NBC "TODAY" SHOW, TUESDAY, JULY 31, 1973

Mr. MCGEE. It is exactly 15 minutes past the hour.

For a week, the Nation watched the testimony of John Ehrlichman. When he was Presidential Counsellor for Domestic Affairs, Mr. Ehrlichman was looked upon as one of President Nixon's most powerful assistants. This morning, we want to talk with the man who replaced Mr. Ehrlichman in that White House job, and he is Melvin Laird, the former Republican Congressman from Wisconsin, who later served as Secretary of Defense, and early in June he assumed his present post as Counsellor to the President.

We want to talk with Mr. Laird, both about the White House and how it is operating these days, and about the secret bombing of Cambodia, which he testified a few days ago that he ordered when he was Secretary of Defense, and he has agreed to talk with us throughout this hour.

He is in our Washington studio with Today Washington editor, Bill Monroe, and NBC News White House Correspondent, Richard Valeriani.

Mr. VALERIANI. Thank you, Frank.

Mr. Laird, there were times when Ford has said that you recommended to the President that he release at least some of those tapes of those conversations to the Watergate committee, is that correct?

Mr. LAIRD. Well, I don't want to discuss my specific recommendations to the President of the United States. What I would like to say is that the President considered all the possible ill advice that he could receive. He looked at himself, he discussed it over a long period of time, and he made the decision, not on the political advice that he received, but on the basis of the legal and the constitutional advice that he received as far as the protection of the Presidency itself.

So, he took a long-range approach to this important decision rather than the short-term approach, and the short-term approach based upon political advice, of course, would have gone the other way. But, he did take the constitutional and the legal advice that was given to him in order to protect the Presidency, and that decision was made by him after very careful and thorough consideration.

Mr. VALERIANI. Well, when you talk about political advice, one who knows you might figure that you are talking about the advice you gave him, which according to Congressman Ford was to release the tapes.

Mr. LAIRD. Well, I am a politician, and I am proud of being a politician. I have been in office for some 27 years. There is one thing that happened over at those hearings in the Senate the other day that went unchallenged by the Senate committee members, and that was when a young man was testifying there that he had learned that he should not enter politics or be involved in Government.

And, I believe, I would challenge that statement because I think that the politics, which Webster says is the art and science of Government, is one of the most honorable professions that a young man can choose, and I am pleased and proud to be referred to as a politician.

Mr. VALERIANI. Mr. Laird, doesn't it appear that the President is using these tapes selectively to his own advantage when he denies them to the Prosecutor, denies them to the Ervin committee, denies them to John Dean, who appears to be a witness unfriendly to the White House, and allows some tapes to be listened to by H. R. Haldeman, a witness who appears to be friendly to the President?

Mr. LAIRD. Well, I have not had an opportunity to read that transcript of yesterday. I did not know in advance that Mr. Haldeman was going to make the statements which are reported in the press today. I can only say that the President in deciding to protect the Presidential papers, whether they are papers or tapes, made that decision after receiving very careful advice, receiving many opinions, various options, and he came down on the side of protect the constitutional separation of powers between the Presidency and the congressional branch, and I think he followed his constitutional lawyer's advice, Charles Wright, from the University of Texas Law School, as well as the legal advice that he received from others.

And so, that decision was based primarily upon those constitutional and legal grounds which were considered along with the political advice, and the political recommendations.

Mr. VALERIANI. Mr. Laird, one of your key functions is liaison with Capitol Hill. What do you hear from your colleagues, Republicans up on the Hill, about the tapes? How does the President's refusal to release them affect his standing with them?

Mr. LAIRD. I think they are, of course, involved in the day-to-day operations of Government. They are in constant touch with their constituents, as they should be, and I think that many times the easiest approach, the short-term approach, has the greatest popularity at the moment, but I think that that perhaps will change as time goes by.

I would have to say that most of them do take the short-term approach to this question now, and are involved in politics, and rather than take the legal or constitutional basis that the President followed, perhaps a majority of them would follow the so-called political or short-term approach to this particular problem.

Mr. VALERIANI. One of the most important functions of a President is to preside, to lead, and isn't this affecting his ability to lead not only the country, but his own party?

Mr. LAIRD. Well, I think that any President, in order to be a leader, must always take the long view of the situation. He must not be looking just from one election to the next election. He must be looking from one generation to the next generation. He must be looking at our system of Government, and our Constitution, and trying to predict what he believes is important as far as the separations of powers.

Mr. VALERIANI. Is he going to be able to lead the country, though, for the next three and one-half years, say, if there is a nagging doubt about his guilt or innocence?

Mr. LAIRD. Yes, I think that the basis upon which the President was elected to the Presidency, his superior conduct of foreign policy, his ending a war which no one wanted, his opening up new avenues with China and the Soviet Union, his revenue sharing approach to many of the domestic problems, his program for improving education, for better schools, for better communities, the Housing Act, the Special Revenue Sharing Act, the new highway legislation—I can go through a great many of these programs upon which he based his election campaign, and I believe that those programs were accepted by the American people and they are just as viable today as they were during that campaign when he received such an overwhelming vote.

Frank, what we have to get about now is putting these programs into operation, getting support in the Congress of the United States to improve our educational system, to improve our health programs, to improve our highway programs, to go forward and solve the energy crisis, which we face here in the United States.

These are all matters that were discussed thoroughly during the campaign, and those programs are available for implementation now.

Mr. MCGEE. Mr. Laird, there have been published reports that you are so unhappy with your lack of access to President Nixon that you may resign. Could you comment on that?

Mr. LAIRD. I would just say that those reports are false. I have never been a quitter; I am a stayer. I have only quit a few jobs when I thought that I could make a greater contribution someplace else. I quit the State Senate in Wisconsin to go to Congress because I thought I could make a greater contribution in Congress.

I quit the Congress to become Secretary of Defense because I thought I could make a greater contribution there than I could in the Congress. I quit my one-year sabatical leave because I thought I could make a contribution to the President of the United States, to the Presidency and to the country.

I am not a quitter. I am a stayer, as long as I can make a contribution to the President and to the country.

Mr. VALERIANI. Do you think that is going to be for another three and one-half years, Mr. Laird?

Mr. LAIRD. Well, I didn't set, as you know, Dick, at the press conference when I came into the White House, I said that I hoped to stay for a year. I really am a retired Congressman, you know, and I don't like to be called Counsellor or Secretary. I like to be called Congressman with (Ret.) because that is all I am, just a retired Congressman trying to help out a little bit in the White House.

Mr. VALERIANI Do you have the access to the President you would like to have?

Mr. LAIRD. Yes, I do.

Mr. VALERIANI. There are stories that he does not take your advice, for instance, on releasing the tapes and on letting Ron Ziegler go.

Mr. LAIRD. Well, I don't keep a running track record on whether my choice is followed or whether my recommendation is followed. The important thing is to be able to communicate one's recommendations, and I am able to communicate that recommendation at all times.

Mr. MONROE. Congressman, we also have some other questions for you, not long from now.

Thank you, Dick Valeriani. Right now, back to Frank.

Mr. MCGEE. And our thanks as well. We will continue our discussion with Congressman Laird (Ret.), as he says, in our next half hour.

Now, a station break.

(Announcement)

Mr. MCGEE. Thank you, Gene. It is 39 and a half minutes past the hour, and we are devoting this hour to a talk with Mr. Melvin Laird, former Member of the House of Representatives, former Secretary of Defense, and currently President Nixon's Counsellor for Domestic Affairs.

He was named to his present position after it was vacated by John Ehrlichman, who only yesterday concluded five days of testimony with the Watergate committee. Mr. Laird is in Washington with Today Washington editor, Bill Monroe, and NBC News White House Correspondent, Richard Valeriani.

Mr. Laird, I would like to ask, we have had conflicting testimony before the Watergate committee, about the attention given to Watergate in the weeks and months following the disclosure of the break-in, with John Dean saying that it was the principal subject of concern, Mr. Ehrlichman and Mr. Haldeman saying that was not the case at all, that it was a minor matter until many, many weeks and months later.

What about the present time? How much of your time, how much of Mr. Nixon's time, is given to consideration of developments in Watergate and the Watergate committee?

Mr. LAIRD. Well, I am sure that there is a considerable amount of time given to the Watergate situation. There is po—I don't think we should minimize that. It is handled largely, however, by Counsel to the President, Len Garment and also by Fred Buzhardt, Professor Charles Wright and other lawyers.

I personally am not involved with the Watergate, past, present or future. I spend my time working on the current domestic problems, and some of the national security problems that our country is involved in at the present time, and so my time is not spent on Watergate affairs.

Mr. MCGEE. As a retired congressman, it might be fair to ask you whether you think the Ervin committee is out to get the President or is being unfair to the White House?

Mr. LAIRD. As a retired congressman, I can only say that I have great respect for that coequal branch of the Government, and I do not believe that any congressional committee ever prejudges a situation. I hope that this committee is not—and I have every reason to believe that they have not passed judgment on the situation, and are still open to facts and information.

Mr. MCGEE. One more Watergate question—I have forgotten what it was. Dick, I yield to you. I will get back to—

Mr. VALERIANI. I am glad you forgot it.

Mr. Laird, how often do you see the President?

Mr. LAIRD. I am not the expert on the Watergate situation, but I am glad to discuss any matter with you. Now, perhaps you will remember that question.

Mr. MCGEE. I have remembered what it was.

What do you expect the President to do to confront what the polls indicate was a Watergate credibility question? Will he make a statement? Will he make a speech? Will he find a forum, such as a news conference, in which he can be questioned?

Mr. LAIRD. Yes, I think he will do all of those.

Mr. MCGEE. Soon?

Mr. LAIRD. Well, I would think he would wait until this particular phase of the hearings has been completed. I certainly would recommend that. I do not believe that the President of the United States should be responding to every witness that appears before a congressional committee, and at the proper time, I am sure, I am confident. I know that the proper response will be made by the President of the United States.

Mr. MCGEE. How often do you see the President, Mr. Laird?

Mr. LAIRD. I see him every day—

Mr. MCGEE. How is he—

Mr. LAIRD. In fact, every day that he is in town, and I am in town. I do not accompany him on all of his trips. I have certain other responsibilities that I feel require me to be here in Washington. I do visit him when he is out of town, but I do not spend all of my time accompanying the President of the United States to the various places that he goes.

Mr. MCGEE. Do you sense any great concern on his part about what is going on? The speech he made last week was "Let others wallow in Watergate. I am going to move on to other things." The White House gives the impression they are—

Mr. LAIRD. I think that is most important.

Mr. MCGEE. Not paying a lot of attention to Watergate?

Mr. LAIRD. I think that is most important, to move on to these other problems.

Mr. MCGEE. Is he concerned at least when you see him daily?

Mr. LAIRD. Yes, I do see him daily, and we talk about the various problems we have, whether it be in the energy area—I had a long discussion with him about the agricultural legislation. He is very much aware of these problems, and he is addressing them on a daily basis.

Mr. MCGEE. Does he feel his authority to govern, his capacity for governing, for leading, has been diminished by this?

Mr. LAIRD. I do not believe that he has that concern. He realizes, I am sure, the damage that has been done by individuals that did not serve him properly during this particular period, but he is—he knows, as President of the United States, for the next three and a half years, he has vast responsibilities and he is facing up to those responsibilities not only internationally but domestically as well.

Mr. VALERIANI. Mr. Laird, you ordered the secret bombing of Cambodia, you and the President. You said at the time you were not responsible for the falsification of records but, in ordering the secret bombing, didn't you put people below you in a position where they felt there was no alternative except to falsify records? They couldn't disguise the fact that hundreds of thousands of tons of bombs were dropped.

Mr. LAIRD. First, as Secretary of Defense, I never condoned, permitted, authorized or ordered the falsification of any record, and I would reject that outright. I would not permit it. I think it is important, though, for you to put the—I did authorize the bombing.

Mr. VALERIANI. Was the bombing supposed to be secret?

Mr. LAIRD. The bombing was authorized for two very important purposes. It was authorized in March of 1969. I had been Secretary of Defense for the period of about two months, and I had come into this situation from my work on the Defense Appropriations Committee where I had questioned Secretary McNamara, Max Taylor and others.

In 1964, I questioned Secretary McNamara and Max Taylor on why the Cambodian sanctuaries weren't being hit because they were being used. And, Secretary McNamara and General Taylor indicated at that time that militarily it would be a good thing, but they felt that it might bring China into the war, and the Cambodians would invite the Chinese.

We were losing—when I became Secretary of Defense—from 300 to 250 Americans a week, and the sanctuaries were being used for the North Vietnamese and the Viet Cong to go across the border and hide in the nine-mile area, to reply, all of their supplies were there, and come back over and attack Americans.

Our Americans were not able to go into those sanctuaries, were not able to protect themselves. I felt it was absolutely essential as Secretary of Defense, and the President concurred with this and ordered me to do everything I could to reduce American casualties.

Mr. VALERIANI. Excuse me,—

Mr. LAIRD. So. we authorized the bombing of the enemy-occupied territory in Cambodia.

Mr. VALERIANI. Now, I would like to ask you why didn't you trust the American people enough to tell them?

Mr. LAIRD. Well, I will tell you that.

I would like to give the other reasons for the bombing but, basically, the bombing was authorized so that we could cut down American casualties and permit the withdrawal of Americans because my objective, as I took over as Secretary of Defense for President Nixon, was to withdraw the American forces.

For the last four years, every month we had been adding Americans and casualties continued to grow. We wanted to withdraw Americans and reduce casualties.

Why didn't we tell the American people that the bombing was going on? Your question. The answer to that particular——

Mr. VALERIANI. Let's get into the secrecy matter in a moment. We will ask you a couple of questions and come back to this topic in just a moment.

Right now, back to Frank.

Mr. MCGEE. We will be back after this message.

(Announcement)

Mr. MONROE. We will return to Washington and continue our conversation with Mr. Melvin Laird in just a moment. So don't go far.

(Announcement)

Mr. MCGEE. President Nixon's Counsellor for Domestic Affairs, Mr. Melvin Laird, is in our Washington studio with Today Washington Editor Bill Monroe and NBC White House Correspondent Richard Valeriani, and, Mr. Laird, you have said why you ordered the secret bombing of Cambodia in March of '69 when you were Secretary of Defense and the question before you is, Why this had to be secret, why the American people were not told. The question was posed by Richard Valeriani. Would you please continue?

Mr. LAIRD. The reason that we—for diplomatic purposes, the reason that we did not release the strikes, except in the channel reporting to the Chairman of the Joint Chiefs, to me, and to the President, and we used that separate reporting channel on these particular strikes. The same was true of certain strikes as far as Laos was concerned but these particular strikes were reported in this

manner because of the diplomatic sensitivity of the situation.

As I told you in '64, Secretary McNamara and General Taylor testified that it was sensitive to go into the sanctuary areas because the Cambodians might invite the Chinese in and that testimony was given to our committee back four years before I became Secretary of Defense, but I listened to it as a member of the committee.

But the diplomatic sensitivity of the situation was that Sihanouk would have to condemn the actions of the United States in the North Vietnamese occupied territory just across his border and would have to call for the halt of such use of American air power in the area. And, because of that diplomatic sensitivity, a special channel of reporting was set up and I approved this separate reporting system.

Now, the implementation of the reporting system, of course, was handled in the military chain, but I did approve the top secret security classification in reporting channels because of the diplomatic sensitivity.

Now, this was agreed to by every member of the National Security Council. It was felt that the diplomatic sensitivity was such that this separate reporting channel directly to the Joint Chief, to me, and the President of the United States was authorized under these conditions. But the primary reasons for the strikes was to protect American service personnel, to reduce casualties.

And every week while those strikes were going on in the sanctuary areas, our casualties went down in Vietnam. And I believe that I can justify beyond any question of a doubt that the reduction of the loss of American life justified the recommendation which I made to the President of the United States and was approved by him for these particular strikes. It also made possible and assured the success of our withdrawal program and the American people, and all those that criticize those strikes today, should realize that we had a troop ceiling of 549,500 at that time and our casualty figures were running from 250 to 300 a week.

Mr. VALERIANI. Mr. Laird, is that the way the government is supposed to be run? You have talked about being a member of the committee and getting information from the Executive Branch which you withheld from Legislative Branch in this case.

Mr. LAIRD. Yes, in periods of war we have to do certain things.

Take the Manhattan project. That was during a period of war. There were five members of the House and five members of the United States Senate——

Mr. VALERIANI. Did anybody know about this bombing?

Mr. LAIRD. Yes, they did and they were briefed on the Hill. The various people that I had a direct responsibility to as far as the chairmanship of the committees that were involved with the Department of Defense, this is very difficult to make a choice as to who is briefed and who is not briefed.

Mr. VALERIANI. Is it true that the House was briefed?

Mr. LAIRD. Then there is the responsibilities. It is the responsibilities of that particular committee chairman to make that decision as to who he will share that information with. It is a very difficult situation.

I was on a special committee that handled appropriations for the CIA when I was in the Congress and I served with some very distinguished members of Congress. It is a special responsibility you have and it is a very difficult responsibility to bear as a member of Congress.

There should be some better system set up in which we can carry on these kinds of operations when the national security of the country is involved, when the protection of American lives is involved, when the withdrawal of American forces is involved.

Mr. VALERIANI. Mr. Laird, don't you have some responsibility, even though you did not order it, for the actual falsification of records in the sense that you ordered a massive bombing campaign that lasted over 14 months and you told your people it had to be secret? How were they going to cover it up without falsification?

Mr. LAIRD. Well, I will say that the falsified report which was sent to the Congress 90 days ago was a mistake and I do not know how that report was delivered to the committee. All of the figures should have been made public and included in the report going to the Congress.

Back in 1969 and 1970, there was a reason for the classification. It was a "snafu", a mistake for the Defense Department to send that report to that Congressional committee just 90 days ago and I do not defend that action.

Mr. VALERIANI. The falsification was all right while the bombing was going on, but we don't need to do it any more.

Mr. LAIRD. There was no falsification. The separate reporting channel was all right while the bombing was going on, and prior to our entry in crossing the border. As a matter of fact, when we went into Cambodia with ground forces, I stated in my press conference at that time at the Pentagon that bombing had been going on in the sanctuary areas, and I admitted it publicly.

I can also point out to you that the New York Times, Bill Beecher, back in 1969 reported on the bombing. First, it was reported in the London Times, and then in the New York Times. When I was asked about that particular bombing at that time, I did not falsify any statement.

I "no commented" it because I could not either deny or confirm, so I "no commented".

Mr. VALERIANI. But the President himself——

Mr. LAIRD. That was in Bill Beecher's story.

Mr. VALERIANI. But the President himself, Mr. Laird, told the American people that we had not moved against the sanctuaries in Cambodia——

Mr. LAIRD. That is correct, and he was talking about ground combat forces.

Mr. VALERIANI. But moving against does not necessarily mean ground combat.

Mr. LAIRD. The only action that we had in the sanctuary areas of Cambodia and in Laos prior to the actual movement of American ground forces was special intelligence gathering teams.

As a matter of fact, right now we are going through—we lost certain members of the special intelligence gathering activity teams in Cambodia, the so-called MACSOG teams in Cambodia and Laos.

We are now going out and notifying all of the parents of those special intelligence losses, and the reason we are doing it now is that each of those sites under our missing in action site certification where death took place, this whole survey on the missing in action is going forward, and those particular families are being notified where their loved ones were lost in Cambodia, Laos and also in other places.

Mr. MONROE. Thank you very much, Congressman (Ret.) Mel Laird, and now Counselor to the President.

Thank you, Dick Valeriani.

Back to Frank.

Mr. MCGEE. And our thanks as well.

THE WHITE HOUSE PRESS CONFERENCE OF MELVIN LAIRD

THE ROOSEVELT ROOM

Mr. LAIRD. Well, ladies and gentlemen, I am delighted to have an opportunity to visit with you. I hope we can do this from time to time.

I told you at the first little press meeting I had that I would be available. I didn't want to wear out my welcome. I have done this twice now in the first 30 days that I have been over here in the White House, and I think perhaps it is better for you to set the times when you want to see me.

I am a great believer in the wire services, and perhaps Frank and Helen can determine when is a good time to invite me down to have a cup of coffee, and I will appear as soon as I can after I receive such an invitation.

I don't mean to say that the other news media are not important, because they are, but coming from the central part of Wisconsin where the AP and UPI have been the major means of communicating with my constituency over the years, I have a particularly high regard for their means of communications because my constituents have been reading them for a long period of time, and maybe we could leave it that way.

I don't mean to give up my right to visit with you individually, when I feel like it. I will do that. But, that might be a way we could work it for a while so that I am not talking too often and wasting your time. I would be glad to do it that way for a while and see how it works.

I like to talk to the press. I like to talk to them on an on-the-record basis. I realize the importance of the Lindley rule and all it means. It is named after a very distinguished newsman, but I have always followed my own rule, the Laird rule, which is on the record and the only time that I varied from that was at a few NATO meetings because the custom over in NATO is to give on-the-record news briefings, but attribute it to no one. And so, I abided by the NATO rule at those particular meetings.

I don't have anything of particular interest to discuss with you today, but I would be glad to respond to any questions.

Q. Mr. Laird, has the White House opened up any since you came in?

Mr. LAIRD. I think that we have made some progress, important progress, in opening up the discussion processes within the Government, between the Government agencies, between the White House and the Congress. I like to think that these meetings that I have had around with the various departments have been helpful to the White House and to the President.

I have gone out to meet the various Cabinet officers in their own departments and their own surroundings. I have visited the Mayor of Washington in his office. I have tried to go out and make myself available in representing the President with these various agencies.

We have brought the congressional leaders in here. They have attended meetings, the minority leadership, the Republican leadership, with the Cabinet. We had an outstanding meeting, I think, yesterday in which the legislative leaders had the opportunity to present their views on important pieces of legislation which were pending before the Congress, to bring up any other matters that they wished to bring up to the President directly.

We got into various areas not only of legislation, but they also brought up beef prices and some of the problems they are having with their constituents as far as Phase IV is concerned. I think it was a very good meeting. I use that as an example.

The answer to your question—I should have answered it just yes.

Q. Are you going to stay on in the White House? There have been so many rumors that you are disenchanted already after a month.

Mr. LAIRD. Well, as I said to Jack the other day when we had a little visit, there are a lot of people that are writing me off after 30 days as being ineffective, and I haven't been able to produce a great deal since I have been here.

I am very satisfied I have made a contribution during these 30 days. The word "quit"

is a good word for headline writers, but I would like to see the word "stay" used. I am a stayer and I will be staying as long as I can make a contribution, and I feel I am making a contribution.

I have quit a couple of jobs. I quit being a State Senator because I thought I could make a greater contribution as a Member of the House of Representatives. I quit as a Member of the House of Representatives to become Secretary of Defense, and I said I would stay for four years, and I thought I could make a contribution there.

There was a little arm twisting to quit that job in Congress that I like so much, but I did quit because I thought I could make this contribution. I quit my sabbatical, which I was on for one year, because I thought I could make a contribution when the President asked me to come over here, and I am going to stay as long as I can make a contribution.

Q. Are the rumors totally unfounded? I mean, you are not running into any problems in terms of access?

Mr. LAIRD. I have no problems as far as access is concerned. I have not, contrary to what you might think, I have never had any problem as far as access is concerned since I have been here. Each time that I have had anything that I wanted to discuss or bring to the President's attention, I have had no problem whatsoever.

I think the problem that you have here is that there are people who kind of keep score, and they like—if you are not, say, at some dinner, or if you are not at San Clemente for more than three or four days, or if you are not someplace, at Camp David—I want you to know that I am invited, but what I try to do is use the time where I think I can make the greatest contribution, and I probably will not always choose to go out of Washington when I am dealing with the various departments and agencies in my role as a domestic advisor to the President.

I personally would prefer to be here, and I think that on most occasions you will find that I will stay here. I feel that I can do my work and make my contribution in this area by dealing directly with the people that are involved, whether it be in the Congress or in the other Executive agencies. But, I have not had any problems along that line, and I am sure I won't.

Q. How is your relationship with Al Haig? Are there any problems there? Is it working smoothly?

Mr. LAIRD. Yes, it is working very well. I have responsibilities that are somewhat different than Al Haig's. Bryce Harlow does not work for Al Haig. I don't report to Al Haig. We work for the President of the United States. The responsibilities which Al Haig has are responsibilities that are somewhat different than ours, and we work together, I think, in the areas where there is an interrelationship.

But, in most of the areas I have been working in in the domestic field, there has never been any conflict, and I hope that people realize that I am trying to deal with various issues, and I am more or less issue-oriented anyway, and I do not deal with the running of the White House, as such, or do not deal with the various personnel problems.

I do not handle the President's scheduling or anything like that. That is not my responsibility. I am trying to help in the domestic area, where we do have problems, and we are trying to solve those problems.

Q. Mr. Secretary, you may have been joking when you discussed the length of your lawn, but your remark could suggest a lack of togetherness in the family here.

Mr. LAIRD. What was this now?

Q. Well, you apparently thought you could more profitably use your time mowing your lawn the other day when you were attending the dinner for the Shah?

Mr. LAIRD. Well, now—I don't want to get that into it, so it looks like there is any disrespect connected with my spending an evening at home, that there is any disrespect to the Shah. I have had many meetings with him. I had the opportunity to encourage him in many ways and to discuss various things with him over the years.

But, I felt that other people could make a greater contribution at that particular dinner this year than the domestic adviser to the President. Although I am a member of the National Security Council, I chose to spend that evening at home.

Last night I did not go to the—regretted the party last night because I had a previous commitment with a group of newspaper people from my home State of Wisconsin who come out here each year, many from the weekly press out there, and also we have a little society that gets together now and then.

It started when I was in the legislature, and so I chose not to go last night. I don't think you should read too much in that. I am not going to go to all the social functions in the White House. I will go to those that I feel I might be helpful in my attending.

But, the President has told me that I don't have to go to all of them, and I handle this with Rose, and the decision is made in that way. My social life, if that is what you are interested in, I will be glad to discuss it. (Laughter)

I am a very good lawn mower, and I am a good swimming pool manager.

Q. Mr. Laird, you have been given credit—

Mr. LAIRD. Let's let Sarah go over here.

Q. Sir, I wonder if you—

Mr. LAIRD. Then we will go right back over here, but I just didn't want Sarah to pull out her whistle. (Laughter)

I gave Sarah a whistle, you know, when she was having trouble getting recognized over here at the White House press conferences during the Johnson Administration, a little gold whistle, which she could put around her neck with a chain. She doesn't seem to wear it very often.

Q. She doesn't need to. (Laughter)

Q. I have got it in the bank.

Sir, with your long and with your wide range of experience, I wonder what you see here that the White House needs?

Mr. LAIRD. Well, I think that we have a very fine domestic program which the President has sent to the Congress in the area of the special revenue sharing programs, the four major bills that have been submitted. We have a program in the field of education, highways, and we have a program, an energy package, that we have sent to the Congress.

We have articulated in the messages, the special messages to the Congress, the program. I think that we must now do a job of communicating and articulating this program throughout the United States and explaining it, justifying it in the most effective and efficient fashion that we can before the very important co-equal branch of Government, the United States Congress, both the House and the Senate.

And this is what we are doing, what we are trying to do, and I think that that is the greatest challenge we face right now.

Q. Mr Laird, you have been generally given credit for helping arrange the Cambodian bombing with the deadline compromise of August 15th, and you just said—

Mr. LAIRD. That was the work of a lot of people. I think you should give—that is not only an Executive branch accomplishment, it is a Legislative branch accomplishment and I don't think any one person—there were a lot of people in communication with me, and I helped—I would like to—I helped work out the 45-day extension.

Q. In referring to that, I am intrigued by your reference or statement that you were very satisfied that you have been able to make a contribution thus far in your 30 days. I wonder if you could be just a little specific and give us some idea of the kind of things that make you feel satisfied with your contribution. Can you give us anything that the President has done?

Mr. LAIRD. Well, you use that as an example, or as one example. I believe that that helped justify my presence here in the area of a Counsellor to the President, there was a very serious problem which we faced just before the recess, the 4th of July, not only as far as the Cambodian problem was concerned but also as far as social security was concerned, as far as the debt limit was concerned.

The bill that was reported out today in the Labor and Education Committee up at the House, the new ACTION program which combines the philosophy of the President of the United States as far as volunteerism and the Government voluntary programs are concerned into a bill which will have in one agency all of these voluntary programs, whether they have to do with the urban centers of the country or the foreign countries where we have voluntary ACTION programs going forward.

I think that that compromise being worked out and having unanimous support with the Democrats and the Republicans—I could go through some other pieces of legislation, but I am satisfied I was able to make a contribution along with the staff of the Domestic Council and along with Bill Timmons, along with Bryce Harlow in serving the President and the country well during that 30-day period.

Q. Mr. Laird, does the President have any hope of getting his program through or making certain accomplishments until he gets the curse of Watergate off the Oval Office?

Mr. LAIRD. Well, I think we have been making some progress. Do you want to use yesterday or today, I can tell you some of the legislative bills that have been reported out. I think we are making progress right now in the field of educational legislation.

I think this year we will have a bill. Certainly there is real progress made in putting together the conference report on the highway bill. There were a lot of people that had to give a little bit in these various areas. We were able to avoid the mandatory spending language that was of concern for a period of time.

In the urban section, the third title of that bill, we were able to get in the provisions to take, or accommodate, mass transportation programs.

I could give you a legislative rundown. I think we are about the business of Government, and we are making progress, legislatively. I am not satisfied that we have made enough, but I think we can point and I will give you a listing of those various pieces of legislation that have occupied a great deal of my time during this period and occupied a great deal of time of the whole legislative staff of the White House.

The Domestic Council has been very active in this, not only, Ken, but the associated directories have been most active in this field, and I think we have had pretty good working relationships and cooperation thus far.

We have some problems with the farm people today. We are hopeful that that bill can be modified to bring it in line with the kind of legislation that the President of the United States can sign, but if it is not brought in line with recommendations that the Secretary of Agriculture has given to the conferees, then, of course, I certainly wouldn't have any hesitancy of recommending to the President of the United States that it be vetoed.

Q. Mr. Laird, can you tell us what you know, sir, about the double-entry bookkeeping on the Cambodian bombing prior to May of 1970, anything you have heard about it? Your statement left a few holes—the one you gave to Sy Hersh. You talked about not knowing about falsification, and the Pentagon does not consider double-entry bookkeeping falsification.

Could you tell us anything you know about that, and can you tell us whether you think the President's statement of April 30, 1970, that he had not taken action against the enemy sanctuaries in the past five years was proper?

Mr. LAIRD. I am not sure just what part of the statement—I will be glad to give you a copy of the statement which I gave to the New York Times. I think that was made available, was it not?

Q. It was, and you publicly said you knew nothing about falsification of records, phony records.

Mr. LAIRD. Well, I can assure you that I have never ordered the falsification or misrepresentation of any information as far as any operation in the Department of Defense.

As far as the Department of Defense is concerned, the reason that a special security clearance, security reporting procedure on a clearance, security reporting procedure, was set up was not for any military reason. It was set up because of the sensitivity of this particular information from a diplomatic standpoint, and this was the recommendation of the National Security Council that because of the sensitive nature of the situation as it existed in Cambodia at the time that the special reporting procedures were established.

The implementation of the reporting procedures, of course, was a matter that was handled by the Joint Staff. This was not something recommended by the Joint Staff or recommended by the Chairman of the Joint Chiefs. Although the Chairman of the Joint Chiefs recommended the use of military power in the sanctuary areas, the reporting procedure was something that was recommended and the security that was used in this reporting procedure was recommended by the National Security Council because of the diplomatic situation, not the military situation.

The reports on these particular sorties came directly to the Chairman of the Joint Chiefs of Staff and to me, and were not shared—and from me to the President of the United States—and were not shared with the normal distribution of military sorties.

It is true that perhaps others could have known about them, but it was a very close-hold situation during this period because of the diplomatic situation. Bill Beecher wrote an article about it and came out about maybe two months—it was in 1969 that he wrote an article about the sorties that were being flown in Cambodia.

I believe the first report of any newspaper was the London Times. A reporter from the London Times was flying from Phnom Penh to Saigon and he saw the craters as he came across the border that were located in these sanctuary areas.

I was asked at that particular time about the use of air power in the area, and I did not confirm it, I did not deny it, I "no commented" it and I continued to maintain a no comment position every time that I was asked a question.

The first time that I discussed the use of air power in Cambodia, prior to the use of American military ground forces in April of 1970, was when I briefed the press in the Pentagon and I informed the press at that time that air power had been used prior to the time that U.S. ground forces moved across the border.

That was a matter of public record, and I think that was the first time that I publicly confirmed the fact that air power had been used prior to the use of American military power.

Q. Did you put that in perspective as to when?

Mr. LAIRD. No, I did not, but I am certain it had been used prior to the so-called movement of American and South Vietnamese forces across the border into Cambodia.

Q. Was the President the highest authority that approved this bombing at that time?

Mr. LAIRD. The President of the United States, as Commander-in-Chief, did. This is very interesting. I read the comments up on the Hill the other day, or yesterday, in regard to the fact that the Secretary of the Air Force had not been informed prior to the time of the Cambodian excursion when we moved across the border, and that quite possibly is true because the Secretary of the Air Force is not in the command channel.

Now, I am sure most of the members of Congress know that. We had quite a debate on that in 1958, and many of you were here during that debate when the National Security Act was amended and this became a very important point of contention during that debate.

It was decided to remove the service secretaries from the command channel, but that decision was a congressional decision, ladies and gentlemen, and I am afraid that perhaps some people have forgotten that, as I look over some of the reports that are going forward today.

The Congress, in its wisdom, moved the command from the President of the United States to the Secretary of Defense, and that is the channel of the President of the United States. And the Secretary of Defense command channel is to the Chiefs and to the unified and specified commanders.

Q. Why did the President not tell the American people the truth and do you think the White House suffered vastly from the credibility problem, not just from this, but Watergate and the whole shebang?

Mr. LAIRD. Well, now, let's—this particular problem, as far as the diplomatic sensitivity of the activities that went on at that particular period, the National Security Council discussed this matter and were unanimous that the diplomatic sensitivity was such, at that particular time, that they did not release this information publicly because of the special circumstances surrounding Sihanouk at that particular time, and we were moving for diplomatic recognition.

We were also in a position where if it became a matter of public knowledge at that time, it would have to be condemned, and a request would be made officially to stop it.

Now, the situation is such that I recommended these strikes, and I don't want to shy away from that in any way, and I don't want to leave any misapprehension in the minds of any person. I happened to be in Saigon, I believe, at the time that the strikes started, or about that time, and I recommended them because I felt that these areas were occupied by the North Vietnamese and the VC.

There were no Cambodians, according to our best intelligence estimates, in the areas of the sanctuaries. They were occupied by the North Vietnamese and were North Vietnamese-occupied territories.

As Secretary of Defense, I had started the Vietnamization program and had presented it to the President and had received the preliminary approvals to start withdrawing Americans from South Vietnam.

And everything that I could do that would make that withdrawal program a success, so that we could get Americans out of Vietnam, so that we could terminate American involvement in Vietnam, was a major objective and a major goal I set as I took over as Secretary of Defense.

I believe that those strikes in the sanctuary areas were helpful and did protect American service personnel, and I made the recommendation for the use of the air power in those enemy-occupied areas, and they were all enemy-occupied areas that had been taken over, occupied by the enemy at the time, in order to enhance the chances and the capabilities and the possibilities of success of our withdrawal program.

I could go on into the withdrawal program. You have all heard me talk about that. It was a situation that was inherited by me as Secretary of Defense. I could not understand, as a member of Congress, why the sanctuaries had been allowed to be used over such a long period of time when they were enemy-occupied territory and for all intents and purposes, were being used to stockpile and to make the jobs of the 549,500 troop ceiling at that time, Americans, much more difficult, and I had talked about this as a member of Congress, when I became Secretary of Defense, and after my visit with General Abrams and after looking into the situation, I felt that these strikes were justified.

Q. Mr. Laird, why would this have had to have been disavowed if it had become public at that time?

Mr. LAIRD. Well, it became public, I mean the newspapers carried the story, and you can go through every time I was asked that question, and you were over at those news briefings. I "no commented" it.

Now, I did not deny, and I did—but I handled it that way. I can assure you that never, at any time, did I not tell the full and total truth. Now, I did not confirm or deny this particular fact because of the diplomatic sensitivity. Bill Beecher's story was the story that appeared in one of our leading newspapers.

Q. I am just trying to get a feel for why you feel it would have had to have been denied if it had become public beyond Beecher's story. It was certainly not generally understood, as you know. Is that because it would have been so embarrassing to Sihanouk that you would have had to stop the bombing if it had become generally understood that we were doing it?

Mr. LAIRD. I believe that that was one of the considerations that led to the decision and the recommendation of the National Security Council.

Q. Mr. Laird, there are two questions here. One is as to the bombing, and you have explained why you thought that was most important and why you thought it was important not to make a great deal of noise about it in terms of the diplomatic embarrassment.

The second question goes not to simply keeping something secret, but in fact, with the President saying we had never moved against the sanctuaries and we had and the Pentagon essentially lying to the Senate Armed Services Committee, even after you left the Pentagon.

Mr. LAIRD. Well, all I want to say about that is that I think that was unfortunate, and I don't know how that listing was sent up there at that time. I think there was some confusion. The Secretaries of Defense were kind of changing around during this period of time, and I can't defend the statistical information that was sent over—when was it, about 60 days ago—if I would have been there and I can assure you if it would have been asked by any member of the Senate and the House, I would have given those figures out.

I have done that, as you know, before this Appropriations Committee of the House. I had long discussions with them about the use of air power in Cambodia prior to the time of the Cambodian incursion. I discussed this with members of the Foreign Relations Committee, the Foreign Affairs Committee in the House. This was after the fact, of course. This was in 1971 and in 1972.

I did not, at any time, "no comment" the question when asked about it after the actual use of American ground forces in Cambodia and spoke about it freely and openly in committees.

I don't understand the reason. I think it was just a foul-up. They just took the computer print-out and did not use the classified figures which were available with the Joint Staff.

Q. At the period, Mel, were there members of the Armed Services Committee who happened to be retired or Reserve Air Force Generals, given briefings including that information? I am speaking particularly of Barry Goldwater, Howard Cannon, who I sup-

pose had they asked, and had the clearance, might well have been told.

Mr. LAIRD. Well, any Member of the Congress that asked about these particular strikes on those committees, I informed them.

Q. Did anybody ask about them at the time? I mean, did you promise them that information to the committee at the time?

Mr. LAIRD. It wasn't on the basis, the people that were briefed on them, it wasn't on the basis of their being retired. That is part of your question.

Q. Most of the members of the committees didn't know about it, and stated so.

Mr. LAIRD. That isn't—you see, the problems is that on a—during a wartime situation, there are certain Members of Congress that do take special responsibilities. I know this is a difficult thing, but they have to make the decision as to what responsibilities they will take and which responsibilities they will not take.

You can go all the way back to the Manhattan Project. You can go back to the time that I was serving on the Special Committee on Appropriations that handled certain classified matters. I did not like to be in that position because it is a special responsibility that a member is placed in and you have to make those decisions yourself, whether you are going to serve in that position or not, or whether you are going to inform your colleagues. So, it is a difficult situation. I am not trying to minimize it.

The Manhattan Project was during wartime, too, and there were certain Members of Congress that were given certain information. It so happens that the two chairmen, two of the chairmen—well, I guess I won't get into that because they are no longer with us.

Q. Why in the world, after the Cambodian incursion in 1970, wasn't all this made public that had been going on for three years? Now it comes out as a result of a Major writing a letter years later. And why, obviously——

Mr. LAIRD. That letter though, has been here for some time. After that letter was received, and when a similar letter was received, I asked certain Members of the United States Senate to come to my office and at that particular time, I did supply them with this particular information.

Senator Hughes did not come. He was invited, but I want you to know I did invite him to come to my office,

Q. But that is not making it public.

Mr. LAIRD. And this is when I was Secretary of Defense.

Q. Why wasn't it made public, assuming that there was a logical argument for diplomatic purposes for keeping secrets for 14 months? After the Cambodian incursion, it was still sat on until some Major comes along and says he thinks it should be known.

Mr. LAIRD. Well, if anyone would have asked me, I would have told them flat out after the Cambodian—I never was asked. Now, the problem here is that it wasn't that I was—as far as I am concerned, I wasn't trying to hide it. I personally thought it was public.

Q. Mr. Laird, since you're dealing with the credibility and accuracy of the press, what about all those stories——

Mr. LAIRD. You will notice, though, on this situation, then we will get off it—let me finish with this one.

I think you will find that I personally thought that this information had been made available, and I was surprised to see the chart that had been sent up by the Defense Department, and I think that that was just the sort of a snafu that occurred over there at that particular time.

Q. You did not realize this was the same information that went over to Congress in April of '71 on the American——

Mr. LAIRD. No, I did not. I did not realize that Secretray Seamans had sent that information over and that was out of the file that was kept by the Air Force, evidently, and it was not out of the figures of the Joint Staff.

Q. Can you tell me how you account for the apparent contradiction in the President's statement to the Nation?

Mr. LAIRD. Well, I think the President was talking about the use of American combat forces there, and I am sure that it was in the context that the United States was going to move American military power on the ground.

As you know, and this is of interest, and perhaps some of you don't realize this, I had been encouraging the South Vietnamese to move across into Cambodia and to use their ground forces.

I felt that Vietnamization was at a point where they did have a capability to move into the sanctuary areas. And some 24 days—well, 30 to 24 days—before the United States forces jointly moved with the South Vietnamese, I had approved, had encouraged—not approved, the approval had to come from the South Vietnamese, but had encouraged the South Vietnamese to move into the sanctuaries.

And they did. They made several incursions into the sanctuary areas. I felt that they had been very successful. These incursions were reported by the press. Then there was a period of about two weeks when there were no incursions on the part of the South Vietnamese, and then the Cambodian incursion with the use of U.S. and South Vietnamese forces was approved here.

I only point that out because I think some people perhaps don't recall that period. I am glad to talk about the past, but you know, when I was over in the Defense Department, I tried to get people to change the dialogue in America from why Vietnam to why Vietnamization.

And then when Vietnamization moved forward to the position where I thought it was a success, some people didn't think so, but I thought it was, and it is certainly proving to be successful now, the South Vietnamese are performing very well today.

I tried to change the dialogue as far as national security matters were concerned to beyond Vietnam, and some of the national security problems that this country faced.

Now, I am glad to talk about the past, but you know we have a lot of problems of the future, particularly in the domestic area in which I am involved now. I am not trying to shy away from any responsibility that I had in the past, but I hope in our meetings in the future and from time to time we can talk about some of the challenges of the future, too.

Q. I have a question on the present, and that is—

Mr. LAIRD. Well, that is fine.

Q. How are you getting along with Ron Ziegler?

Mr. LAIRD. Well, fine, very fine.

Q. Where do you think all these stories came from, Mr. Laird, about your dissatisfaction and lack of access, and why?

Mr. LAIRD. Well, I—maybe it is my fault, the way I operate. I try to be candid and frank, and I have always said that I would be here as long as I could make a contribution. I think I am making a contribution. Maybe people misinterpret that statement. I did not want people to misinterpret it, but I am a retired Member of Congress, you know.

As I told them over at that meeting the other day with the health writers, I don't want to be called "Secretary," I don't want to be called "Counsellor," I want to be called Congressman with (Ret.) in back of it because, as you know, contrary to what I was told when I came over here by the White House counsel and by the Department of Defense counsel, I do not have to give up my congressional retirement. I still maintain my status as a retired Congressman so that I am now the highest paid person outside of the President in Government today, but the situation there is that the Congress is a very fine body, and when Senator George came over here in the Eisenhower Administration, they passed a certain bill for Senator George that provided that if he came to the White House, he could maintain his status as a retired Congressman.

Now, that bill wasn't passed for me, but I am going to take advantage of it. It was called to my attention by the Office of the Sergeant at Arms of the House of Representatives.

I wouldn't have known about it if I had followed the advice of some people, but the Civil Service Commission, after checking with the Sergeant at Arms in the House of Representatives in his office, finds that there are two people that have used this: Senator George and Brooks Hays, so I am the third retired Member of Congress to be on the President's staff.

Q. When you came over here your—

Mr. LAIRD. I get paid $42,500, and my retirement is about $30,000.

Q. Your appointment was announced with a great deal of fanfare—

Mr. LAIRD. I just get a little bit more than the Vice President.

Q. — so was John Connally's and Bryce Harlow's and yet from what we see from the outside, the President is spending most of his time with people like General Haig and Ron Zeigler. We are trying to get some feel for what is going on inside the White House and—

Mr. LAIRD. I think, you see, there is a misunderstanding about what my role is. I didn't come over here to handle the Watergate related matters. I think I told you quite frankly and openly at my first meeting in the press room that I did not come over here to become involved with the problems in connection with Watergate, that I felt that there were other problems that were important as far as the country was concerned and I was going to direct my attention to those problems.

Not that I have not—I have been asked from time to time for my recommendations as to procedures but—and my recommendations have not always been followed because there are other overriding considerations and I think some of you perhaps heard Charlie Wright give a briefing on the overriding considerations that the President had to consider as he faced some very difficult decisions in the last few weeks. So I have not been engaged in that—these very difficult decisions and my recommendations were given from the standpoint of my expert knowledge—if you can call it that—and they think—some people think that I have acquired a little knowledge on politics but the political considerations sometimes have to be overtaken by legal considerations and Constitutional questions and I only want the opportunity of presenting my views when other overriding considerations must govern. I understand that.

Q. Mr. Laird, did you recommend that the tapes be turned over to the Senate Committee?

Mr. LAIRD. Well, I am not going to get into what my recommendations were. I can state to you that the recommendations which I made were made looking at it purely as a political question and did not take into consideration the overriding Constitutional and legal problems which were involved.

What I would like to state to you is that the President of the United States spent hour after hour before he finally made this very difficult, tough decision and I can assure each of you in this room that he looked at every single option and had a wide variety of recommendations. And I would commend to you the briefing that Dean Wright presented this morning.

Q. Did you make your recommendations to the President face to face or in memo, or both?

Mr. LAIRD. Well, I made my recommendations face to face but I am not going to get into the recommendations. The decision has been made; you have heard the briefings. I will assure you that the President was able to look at a wide variety of possible alternatives or possible options and the decision was made after thorough and complete study and

deliberation on the part of the President of the United States and he came down very strongly, based upon the Constitutional question and the legal question of the protection of the Presidency of the United States and rather than taking the short-term view, he took the long-range view in making his decisions.

Q. Do the Congressmen tell you when you talk to them that the biggest problem they think involving the White House other than Watergate is OMB? Did they tell you they think OMB has got to be restructured?

Mr. LAIRD. Well, I hope they don't restructure it as much as they have in the mark-up of the appropriation bill. They have taken quite a whack at OMB; they have cut 25 percent, in that mark-up. I think that that is too big a cut and I hope that they will reconsider their position.

Q. I mean like in its powers. In its powers, do you think its powers are going to have to be cut?

Mr. LAIRD. Well, I think the important thing is to have the departments actively engaged in presenting their own programs not only to the President of the United States but to the United States Congress and what we are trying to do is open up that channel of communications and keep it open between the departments, the line agencies, the Congress, and the President, himself.

Now, OMB has to bring together these conflicting positions from time to time but OMB will always have to fill a great void if you don't have strong leadership in the departments and in the agencies.

Q. Mr. Laird, within the context of the new role that you have been describing, I was interested and I think others have been, what the impact or impressions you might make because of your experience, you are an experienced politician on the Hill, generally speaking, what impression you might make on the President's mood and the mood of the people in the White House, the Executive department.

Now, when the President came down from the hospital the other day and made his talk in the Rose Garden—this may be just a personal impression—but I thought he was rather angry and defiant, he used the rather subjective term of "others wallowing in Watergate", and that was followed over the weekend by some of the source stories, quoting unnamed White House officials saying—

Mr. LAIRD. It couldn't have been my story because I always want to be named.

Q. —being critical of the Watergate committee. My question is, if you, as an experienced politician, could counsel with every member of the White House staff, what attitude would you counsel to, say, harbor and project with regard to the Watergate investigation?

Mr. LAIRD. Well, I would hope that those that are, have to be concerned with a certain responsibility in the current ongoing investigations would do their job well and those that were assigned to other responsibilities would get out about doing their business.

Q. I am talking about what appears to be an emotional reaction. At least that was my perception.

Mr. LAIRD. I don't perceive that. I have spent some time today, a considerable amount of time with the President. We had a Cabinet meeting which lasted—I am not sure of the number of minutes, I don't keep track of those things—but it was probably an hour and a half, or two hours, I am not sure how long. Then I spent time with the President, with Bryce Harlow and Al Haig. The three of us spent a considerable amount of time discussing various problems of government.

I just don't believe that that characterization is fair from what I know about it and from my contacts.

Q. Does the President consider this a witch hunt, the Senate investigation?

Mr. LAIRD. I have never heard him use those terms.

Q. What about the credibility? Are you not worrying about the White House credibility in the past year with all these revelations?

Mr. LAIRD. I am always worried about credibility. I am not sure that anybody who is in Government—and I have been in Government for 27 years—is always concerned about that because that is the mainstay of a politician, to be credible.

That is how we deal up in the House and Senate. We try to be credible with one another, and we try to be in a position where we can always trust one another. I think that the Democrats and Republicans in the House and Senate trust me. I think that most members of the press around Washington I have come into contact with over the years and back in the State Capital of Madison have always trusted me.

I have trusted them, and it is sort of a mutual thing. But, you have to try to maintain your credibility. I have made mistakes. I have made bad mistakes. I can remember a few that I have made around here. They weren't intentional, but I tried to correct them as soon as I could.

Q. Mr. Laird, along with Congress and the agencies of Government, do you happen to be getting some input to your office from the business community on their concerns about the state of the economy and the effect of Watergate, whatever it may be, and their confidence in you?

Mr. LAIRD. Well, we are getting more concerns about Phase IV expressed to me than about—we asked, as you know, as you make this transition in the freeze to Phase IV, there are certain problems involved. I think it has worked out pretty well. I think the information has gotten out well throughout the country, and I feel the President is satisfied in the manner in which we have communicated Phase IV.

There are certain problems, and I come in contact with more of those kinds of problems and deal with—like, I am dealing with some of the consumer groups, some of the business groups, labor groups and others.

We have a very good administrator and leader as far as the Cost of Living Council is concerned in John Dunlop. I think he is doing an outstanding job. I met with him and Secretary Shultz this morning for at least a half hour, having a review of the program as far as Phase IV.

So, as far as the economy is concerned, I have been more concerned about the application of Phase IV and the problems that some of the business community is having with that as well as the agricultural community.

But what I am interested in is getting into this Phase IV and seeing that we move through these periods of the so-called bulge and move to Phase 0 just as rapidly as we possibly can.

Q. Mr. Laird, you are in a unique position——

Mr. WARREN. It has been an hour since you have been in here, so I think we ought to get going.

Q. Well, I have been trying to get——

Mr. ——— Two more, Forrest and then Jerry.

Q. You are in a unique position to evaluate the relative power of Congress and the White House and I wonder if you have any concern in the present climate of an erosion of Presidential power in the efforts of Congress to limit war making power and impounding funds and that sort of thing.

Mr. LAIRD. Yes, I think each branch has to very jealously guard their powers and prerogatives. I will be as strong an advocate for the Executive branch as I possibly can now that I have left my colleagues in the House of Representatives, and it is a difficult position, sometimes, for me to be in.

That is the position I am in, and I am going to be an advocate for the Executive branch. But, I also recognize the importance of working in a very cooperative spirit with that co-equal branch of Government, the Congress of the United States.

Q. Mr. Laird, you spoke a moment ago of the desirability and need of credibility as a mainstay for a politician, and I assume that would apply to almost everybody who gets involved in the running of the country.

The President and the Congress have made now a public comment to end the bombing in Cambodia on August 15th. Can the NSC, of which you are still a member, overrule that commitment?

Mr. LAIRD. That will not be done. The President has indicated that he will go to the Congress for an extension of authority should that be deemed necessary. The understanding that we had with the congressional leadership, and I presented it to them, was that the August 15th date would be the termination date, but that if a further request for authority was needed, that request would be transmitted to the United States Congress.

Talking about credibility in public service, and then I will quit, I was reading over some of the reports of some of the testimony up on the Hill in the Senate committee the other day, and I was concerned that one thing went unchallenged at the hearing, and that was the feeling that was left with many Americans that a young man shouldn't enter politics, that somehow or other this was a dirty, messy business and that you should avoid choosing it as a career.

I don't think there is any finer career that a person can choose than the career of a politician, and wherever I go and whatever I do, whether I am a Congressman (Ret.) or not, I am going to do all I can to encourage as many young people, men and women, to choose the profession of a politician because I think it is a very honorable profession, and I was sorry that that statement did not go challenged, went unchallenged, before that congressional committee.

Thank you very much.

The PRESS. Thank you.

THE PRESIDENT SHOULD RECONSIDER PRICE FREEZE ON MEATPACKERS

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, nobody but nobody is helped when you deprive people of their livelihood. You do not help people by destroying small businesses, you do not help people by forcing small businesses to close, certainly the welfare of the Nation is a matter of prime concern, but when we have something like this phase IV price freeze on meatpackers we are not helping the average citizen, in fact, small businesses are being trampled on, forced to shut down their doors—and there is no meat available to citizens anyhow.

I have heard from these small business firms in my district, and already Alice, Tex., has lost a very important business—not to mention a lifetime of work with the announcement from the Alice Packing Co., they are being forced to close their doors because of the price freeze placed on meatpackers under phase IV of the President's economic program. There are several others in my district in the same plight.

Mr. Speaker, are we to sit here and see a lifetime of work go down the drain? Are we to sit here and see people put out of work? Are we to watch the destruction of small businesses of this kind while both the owner and the consumer suffer?

Obviously, cattlemen can be expected to hold cattle off the market until the 12th of September when the President said he would remove controls over beef prices.

I ask the President respectfully to reconsider his decision—he should, when even his own able Secretary of Agriculture has stated that the freeze on beef is unwise. I assure you that he is right, Mr. Speaker. The consumer is not being helped, and it is doing irreparable damage to many small business firms.

So that my colleagues may be apprised of the plight of these small business firms, I attach herein as an example of the sentiment in the area, a resolution adopted by the city council of Alice, Tex., and forwarded to me by its able and distinguished mayor, Honorable Joe Ramirez:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALICE, TEX.

Whereas, Alice Packing Co., a local business concern, has announced that it has been forced to close its doors because of the price freeze placed on meat packers under Phase IV of the Federal Economic Stabilization Program; and,

Whereas, Alice Packing Co. is a large business entity employing in excess of fifty (50) people and, thus, its closing will have a significant effect on the economic environment of Alice, Texas; and,

Whereas, the City Council of the City of Alice, Texas, feels that Alice Packing Co. and other similar business concerns have been unfairly discriminated against in the present freeze on food prices thus causing a severe hardship on the local meat packing industry, and resulting in a detrimental effect on the entire local economy.

Now therefore, be it resolved by the City Council of the City of Alice, Tex., That, the City Council of the City of Alice, Texas, shall endeavor to help change and adjust the plight of our local meat packing industry by immediately requesting our national leaders to take such action as may be necessary to alleviate the present discriminatory price freeze policies on small and medium sized meat packers.

Be it further resolved, That all local citizens be and they are hereby urged to contact their Senators, Representatives, and other national leaders and likewise request that such action be taken.

Passed and approved this 23rd day of July, 1973.

GENERAL LEAVE

Mr. MOORHEAD of California. Mr. Speaker, I ask unanimous consent that all Members may be permitted to insert their remarks in the RECORD on the subject of the Asian Development Bank in association with the special order today by the gentleman from Massachusetts (Mr. CONTE).

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

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SAYLOR, for 60 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. CAREY of New York, for 30 minutes, today.

(The following Members (at the request of Mr. MOORHEAD of California) to revise and extend their remarks and include extraneous matter):

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. FRENZEL, for 60 minutes, on September 17.

Mr. STEELE, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. THORNTON) to revise and extend their remarks and include extraneous matter):

Mr. DAVIS of South Carolina, for 15 minutes, today.

Mr. FRASER. for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. WAGGONNER, for 60 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FUQUA, for 30 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. BARRETT, for 5 minutes, today.

Mr. O'HARA, for 10 minutes, today.

Mr. HÉBERT, for 10 minutes, today.

Miss HOLTZMAN, for 10 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. DENT, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CAREY of New York, to include extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $992.75 in his special order today.

Mr. SMITH of New York, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $625.

Mr. BURTON and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,201.75.

Mr. HARSHA, to revise and extend his remarks immediately following the remarks of Mr. STEIGER of Arizona.

Mr. BROYHILL of Virginia, to revise and extend his remarks immediately following the remarks of Mr. DELLENBACK.

(The following Members (at the request of Mr. MOORHEAD of California) and to include extraneous matter):

Mr. WINN.
Mr. STEIGER of Arizona.
Mr. MCCLORY.
Mr. ESHLEMAN.
Mr. HOSMER in two instances.
Mr. WHITEHURST.
Mr. SMITH of New York.
Mr. WYMAN in two instances.
Mr. QUIE.
Mr. CONTE in two instances.
Mr. ROBISON of New York.
Mr. PRICE of Texas.
Mr. BROTZMAN.
Mr. RAILSBACK in four instances.
Mr. NELSEN.
Mr. SARASIN.
Mr. BRAY in four instances.
Mr. FREY.
Mr. STEIGER of Wisconsin.
Mr. DERWINSKI.
Mr. ASHBROOK in four instances.
Mr. REGULA.
Mr. DON H. CLAUSEN in two instances.
Mr. MARAZITI.
Mr. HUDNUT.
Mr. STEELE.
Mr. HINSHAW.
Mr. KEATING.
Mr. DEVINE.
Mr. BROWN of Michigan.
Mr. GOLDWATER.
Mr. TALCOTT in two instances.

(The following Members (at the request of Mr. THORNTON) and to include extraneous matter):

Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. BADILLO in five instances.
Mr. MCSPADDEN in five instances.
Mrs. GRIFFITHS.
Mr. FLOOD in two instances.
Mr. STUCKEY in two instances.
Mr. HARRINGTON in nine instances.
Mrs. SCHROEDER.
Mr. PATTEN in two instances.
Mr. VAN DEERLIN.
Mr. DANIELSON in five instances.
Mr. SYMINGTON.
Mr. ANDERSON of California in three instances.
Mr. O'HARA.
Mr. BRASCO in two instances.
Mr. RIEGLE.
Mrs. SULLIVAN.
Mr. WALDIE in five instances.
Mr. LITTON.
Mr. STARK in five instances.
Mr. DE LA GARZA in 10 instances.
Mr. EDWARDS of California in five instances.
Mr. MINISH in two instances.
Mr. MAHON in two instances.
Mr. ANNUNZIO in seven instances.
Mr. RODINO in three instances.
Mr. ST GERMAIN.
Mr. DORN in three instances.
Mrs. COLLINS of Illinois.
Mr. MEEDS.
Mr. VANIK in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 372. An act to amend the Communications Act of 1934 to relieve broadcasters of the equal time requirement of section 315 with respect to candidates for Federal office, to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2120. An act to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes.

ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, August 3, 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:

1202. A letter from the Secretary of the Interior, transmitting the second annual report on the state of the domestic mining, minerals, and fuels industries, pursuant to the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a); to the Committee on Interior and Insular Affairs.

1203. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended (8 U.S.C. 1154(d)); to the Committee on the Judiciary.

1204. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order entered in the case of an alien found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(28)(I)(ii)(b)); to the Committee on the Judiciary.

1205. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act (8 U.S.C. 1182(d)(6)); to the Committee on the Judiciary.

1206. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254(c)(1)); to the Committee on the Judiciary.

1207. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

1208. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act [8 U.S.C. 1255b(c)]; to the Committee on the Judiciary.

1209. A letter from the acting executive director, Blinded Veterans Association, transmitting the audit of the association for the year ended June 30, 1973; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 209. Concurrent resolution expressing the sense of Congress that additional copies of hearings be printed (Rept. No. 93–429). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 266. Concurrent resolution to provide for the printing of committee hearings on the Relationship of Pesticides to Environmental Issues and other matters (Rept. No. 93–430). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THORNTON: Committee on the Judiciary. H.R. 1352. A bill for the relief of Robert F. Franklin; with amendment (Rept. No. 93–431). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 1948. A bill for the relief of Edgar P. Faulkner; with amendment (Rept. No. 93–432). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 1949. A bill for the relief of Hazel W. Lawson; with amendment (Rept. No. 93–433). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 2213. A bill for the relief of Cornelius S. Ball, Victor F. Mann, Jr., George J. Posner, Dominick A. Sgammato, and James R. Walsh; with amendment (Rept. No. 93–434). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 3044. A bill for the relief of James Evans, publisher of the Colfax County Press, and Morris Odavarka; with amendment (Rept. 93–435). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 3530. A bill for the relief of Eugenia C. Lyttle; with amendment (Rept. No. 93–436). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 3544. A bill for the relief of Robert J. Beas; with amendment (Rept. No. 93–437). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 5379. A bill for the relief of John B. Clayton; with amendment (Rept. 93–438). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 6007. A bill for the relief of Swiff-Train Co.; with amendment (Rept. No. 93–439), Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 6411. A bill for the relief of Murray Swartz (Rept. No. 93–440). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 6624. A bill for the relief of Alvin V. Burt, Jr., and the estate of Douglas E. Kennedy, deceased; with amendment (Rept. No. 93–441). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 7089. A bill for the relief of Michael A. Korhonen; with amendment (Rept. No. 93–442). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 8406. A bill for the relief of William M. Starrs; with amendment (Rept. No. 93–443). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. House Resolution 362. Resolution to refer the bill (H.R. 7209) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims; with amendment (Rept. No. 93–444). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO (for himself, Mr. BYRON, Mrs. CHISHOLM, Mr. DAVIS of South Carolina, Mr. DIGGS, Mr. GRAY, Mrs. GREEN of Oregon, Mr. HÉBERT, Mr. JONES OF TENNESSEE, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. METCALFE, Mrs. MINK, Mr. PEYSER, Mr. RANDALL, Mr. REID, Mr. RONCALIO of Wyoming, Mr. SISK, Mr. SLACK, Mr. SYMINGTON, Mr. VIGORITO, AND Mr. MCFALL):

H.R. 9795. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BELL (for himself, Mr. HINSHAW, Mr. MCCOLLISTER, and Mr. STUDDS):

H.R. 9796. A bill to reform the budgetary process of the Congress to improve congressional control over the budget and national priorities, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

By Mr. BINGHAM:

H.R. 9797. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BREAUX:

H.R. 9798. A bill to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams; to the Committee on Interstate and Foreign Commerce.

By Mr. BREAUX (for himself and Mr. PERKINS):

H.R. 9799. 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.

By Mr. DANIELSON (for himself, Mr. FLOWERS, Mr. MANN, and Mr. SANDMAN):

H.R. 9800. A bill to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims; to the Committee on the Judiciary.

By Mr. DAVIS of South Carolina:

H.R. 9801. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

By Mr. GIBBONS (for himself, Ms. ABZUG, Mr. BURGENER, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CONLAN, Mr. DAN DANIEL, Mr. DENHOLM, Mr. EDWARDS of California, Mr. FASCELL, Mr. FINDLEY, Mr. FRASER, Mrs. GRASSO, Mr. GUNTER, Mr. HARRINGTON, Mr. HINSHAW, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MCCOLLISTER, Mr. METCALFE, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. MOSS, and Mr. O'HARA):

H.R. 9802. A bill to amend the Accounting and Auditing Act of 1950 to provide for the

audit of certain Federal agencies by the Comptroller General; to the Committee on Government Operations.

By Mr. GIBBONS (for himself, Mr. PODELL, Mr. PRICE of Illinois, Mr. RIEGLE, Mr. ROUSSELOT, Mr. TOWELL of Nevada, Mr. VEYSEY, Mr. WON PAT, Mr. YOUNG of Illinois, Mr. CHAPPELL, Mr. DRINAN, and Mr. ROE):

H.R. 9803. A bill to amend the Accounting and Auditing Act of 1950 to provide for the audit of certain Federal agencies by the Comptroller General; to the Committee on Government Operations.

By Mr. HASTINGS:

H.R. 9804. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of income tax returns by, and the disclosure of information therein to, Federal agencies; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. BOWEN, Mr. LOTT, and Mr. COCHRAN):

H.R. 9805. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY:

H.R. 9806. A bill to take over a project in the State of Wisconsin pursuant to section 14 of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY (for himself, Mr. ASPIN, Mr. BERGLAND, Mr. BREAUX, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DAVIS of Georgia, Mr. DENHOLM, Mr. EILBERG, Mr. ESCH, Mr. FROEHLICH, Mr. HECHLER of West Virginia, Mr. HUNGATE, Mr. KETCHUM, Mr. PODELL, Mr. QUIE, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STEIGER of Wisconsin, Mr. STUBBLEFIELD, and Mr. WARE):

H.R. 9807. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 9808. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 9809. A bill to provide Federal assistance to cities, combinations of cities, public agencies, and nonprofit private organizations for the purpose of improving police-community relations, encouraging citizen involvement in crime prevention programs, volunteer service programs, and in other cooperative efforts in the criminal justice system; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself, Mr. HASTINGS, Mr. MOSS, Mr. SHOUP, Mr. DINGELL, Mr. HEINZ, Mr. PICKLE, Mr. YOUNG of Illinois, Mr. KYROS, Mr. ECKHARDT, Mr. PREYER, Mr. PODELL, and Mr. CARNEY of Ohio):

H.R. 9810. A bill to extend the protection provided by the Federal securities laws to persons investing in securities of carriers regulated by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. WINN (for himself, Mr. ABDNOR, Mr. ARCHER, Mr. BIESTER, Mr. BUCHANAN, Mrs. COLLINS of Illinois, Mr. DAN DANIEL, Mr. DAVIS of South Carolina, Mr. DENHOLM, Mr. DERWINSKI, Mr. EILBERG, Mr. HARRINGTON, Mr. HASTINGS, Mr. HOGAN, and Mr. HOSMER):

H.R. 9811. A bill to authorize the Administrator of the National Aeronautics and Space Administration to conduct research and development programs to increase knowledge of tornadoes, hurricanes, large thunderstorms, and other types of short-term weather phenomena, and to develop methods for predicting, detecting, and monitoring such atmospheric behavior; to the Committee on Science and Astronautics.

By Mr. WINN (for himself, Mr. LOTT, Mr. MCCORMACK, Mr. MILLER, Mr. MONTGOMERY, Mr. PODELL, Mr. PRICE of Illinois, Mr. ROE, Mr. ROSE, Mr. ROSENTHAL, Mr. STOKES, Mr. WARE, Mr. WIDNALL, Mr. WILLIAMS, and Mr. YATRON):

H.R. 9812. A bill to authorize the Administrator of the National Aeronautics and Space Administration to conduct research and development programs to increase knowledge of tornadoes, hurricanes, large thunderstorms, and other types of short-term weather phenomena, and to develop methods for predicting, detecting, and monitoring such atmospheric behavior; to the Committee on Science and Astronautics.

By Mr. WRIGHT:

H.R. 9813. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service before January 1, 1942, as an air traffic controller in the employ of a State, county, city, or municipality at an airport traffic control tower operated by any such Government unit; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.R. 9814. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Ms. ABZUG:

H.R. 9815. A bill to enforce the first amendment and fourth amendment to the Constitution, and the constitutional right of privacy by prohibiting any civil or military officer of the United States or the militia of any State from using the Armed Forces of the United States or the militia of any State to exercise surveillance of civilians or to execute the civil laws, and for other purposes; to the Committee on the Judiciary.

By Mr. BEVILL:

H.R. 9816. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BREAUX:

H.R. 9817. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

By Mrs. BURKE of California (for herself, Mr. CORMAN, Mr. FRENZEL, Miss JORDAN, Mr. MATSUNAGA, Mr. STEELMAN, and Mr. STOKES):

H.R. 9818. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to expand the definition of "development disability" to include autism; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRON:

H.R. 9819. A bill to amend provisions of law relating to the Naval Reserve Officer Training Corps; to the Committee on Armed Services.

By Mr. COHEN (for himself, Mr. BURKE of Massachusetts, Ms. ABZUG, Mr. ANDERSON of Illinois, Mr. BADILLO, Mr. BELL, Mr. BIESTER, Mr. BROWN of California, Mr. BUCHANAN, Mr. BURGENER, Mrs. BURKE of California, Ms. CHISHOLM, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. CONLAN, Mr. CRONIN, Mr. DRINAN, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. FRASER, Mrs. GRASSO, Mr. HARRINGTON, Mr. KETCHUM, Mr. KOCH, and Mr. KYROS):

H.R. 9820. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. BURKE of Massachusetts, Mr. LEGGETT, Mr. MCCLORY, Mr. MCKINNEY, Mr. MAZZOLI, Mr. MICHEL, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. PEPPER, Mr. PEYSER, Mr. PODELL, Mr. POWELL of Ohio, Mr. PREYER, Mr. RAILSBACK, Mr. RIEGLE, Mr. ROE, Mr. ROSE, Mr. SARASIN, Mr. STARK, Mr. STEELE, Mr. STEELMAN, Mr. STEIGER of Wisconsin, Mr. STUDDS, and Mr. THOMPSON of New Jersey):

H.R. 9821. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. BURKE of Massachusetts, Mr. VEYSEY, Mr. WALDIE, Mr. WALSH, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WINN, Mr. YATRON, Mr. THONE, and Mr. TIERNAN):

H.R. 9822. A bill to provide income tax incentives for the modification of certain facilities so to to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mr. DINGELL):

H.R. 9823. A bill authorizing the Secretary of the Interior to issue certain obligations and to utilize the revenues therefrom to acquire additional wetlands; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT:

H.R. 9824. A bill to revise the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DOWNING:

H.R. 9825. A bill to increase the amount of appropriations authorized for property acquisitions for the Colonial National Historical Park, in Yorktown, Va.; to the Committee on Interior and Insular Affairs.

By Mr. FUQUA:

H.R. 9826. A bill to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes; to the Committee on Education and Labor.

By Mr. GUBSER:

H.R. 9827. A bill to amend title 38 of the United States Code to require that the Administrator of Veterans' Affairs pay the travel expenses of, or mileage allowance to, persons traveling to and from Veterans' Administration facilities for certain purposes and that the mileage allowance shall in no event be less than that paid to employees of the Federal Government traveling on official business; to the Committee on Veterans' Affairs.

By Mr. GUDE:

H.R. 9828. A bill to authorize the transfer of jurisdiction of certain lands in the national park system located in Montgomery County, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9829. A bill to authorize the transfer of jurisdiction of certain lands in the Na-

tional Park System located in Montgomery County, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 9830. A bill to amend the Internal Revenue Code of 1954 to allow individuals an additional income tax exemption for each dependent under the age of 19 who is disabled; to the Committee on Ways and Means.

By Mr. LANDGREBE:

H.R. 9831. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 9832. A bill to eliminate discrimination based on sex with respect to the appointment and admission of persons to the service academies; to the Committee on Armed Services.

H.R. 9833. A bill to amend title 10 of the United States Code in order to eliminate discrimination on the basis of sex with respect to enlistment in the armed forces, and for other purposes; to the Committee on Armed Services.

H.R. 9834. A bill to amend title 38 of the United States Code in order to provide women veterans maternity care in Veterans' Administration facilities, to extend job counseling services to certain survivors and dependents of veterans, to liberalize widows' pensions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PARRIS (for himself and Mr. BROYHILL of Virginia):

H.R. 9835. A bill to amend title II of the Water Pollution Control Act Amendments of 1972 (Public Law 92-500); to the Committee on Public Works.

By Mr. PETTIS (for himself, Mr. ROE, Mr. SISK, and Mr. BOB WILSON):

H.R. 9836. A bill to provide for the establishment of the National Conservation Area of the California Desert and to provide for the immediate and future protection, development, and administration of such public lands; to the Committee on Interior and Insular Affairs.

By Mr. RANGEL (for himself, Mr. ECKHARDT, Mr. BADILLO, Mr. BINGHAM, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. LEGGETT, Mr. MOSS, Mr. NIX, Mr. PEPPER, Mr. PODELL, Mr. ROSENTHAL, Mrs. SCHROEDER, Mr. STARK, Mr. STOKES, Mr. TIERNAN, and Mr. WOLFF):

H.R. 9837. A bill to amend title 18 and title 28 of the United States Code to remove the possibility of abuse from the grand jury system without removing the effectiveness of the grand jury as a tool for investigating crimes and returning indictments, and for other purposes; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Ms. ABZUG, Mr. CONYERS, Mr. WILLIAM D. FORD, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. NIX, Mr. ROSENTHAL, and Mr. WALDIE):

H.R. 9838. A bill to prohibit certain acts with respect to petroleum, petroleum products, and natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 9839. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

H.R. 9840. A bill to amend the Vocational Rehabilitation Act to provide a more equitable method of allotting funds for vocational rehabilitation services among the States; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself, Mr. BRADEMAS, Mr. CAREY of New York, and Mr. STOKES):

H.R. 9841. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older, and to provide new and improved transportation programs for the handicapped and the elderly; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON:

H.R. 9842. A bill to amend section 123 of the River and Harbor Act of 1970; to the Committee on Public Works.

By Mr. WALDIE:

H.R. 9843. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9844. A bill to amend the Internal Revenue Code of 1954 to increase the maximum credit and deduction allowable with respect to contributions to candidates for public office, to make certain changes in subtitle II of such code with respect to the financing of Presidential election campaigns, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE (for himself, Mr. EDWARDS of California, Mr. RODINO, Mr. VIGORITO, Ms. ABZUG, Mr. HAWKINS, Mr. REES, and Mr. ROE):

H.R. 9845. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE (for himself, Mr. MCCLOSKEY, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. BOB WILSON, Mr. SEIBERLING, Mr. PETTIS, Mr. ROYBAL, Mr. DANIELSON, Mr. RYAN, Mr. LEGGETT, Mr. STARK, Mr. BROWN of California, Mr. MOAKLEY, Mr. VANDER JAGT, Mr. VANIK, Mr. MITCHELL of Maryland, Mr. ROSENTHAL, Mr. REUSS, Mr. RIEGLE, Mr. HECHLER of West Virginia, Mr. COUGHLIN, Mr. BIESTER, Mr. MOSS, and Mr. DRINAN):

H.R. 9846. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES WILSON of Texas:

H.R. 9847. A bill to amend title III of the act of March 3, 1933, commonly referred to as the "Buy American Act," with respect to determining when the cost of certain articles, materials, or supplies is unreasonable; to define when articles, materials and supplies have been mined, produced, manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use; and for other purposes; to the Committee on Public Works.

By Mr. WYMAN:

H.R. 9848. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ANDERSON of Illinois (for himself, Mr. BRECKINRIDGE, Mr. DE LUGO, Mr. GILMAN, Mr. GUDE, Mr. HAMMERSCHMIDT, Mr. JONES of North Carolina, Mr. MEEDS, Mr. MEZVINSKY, Mr. MILLER, Mr. PREYER, Mr. PRICE of Texas, Mr. SARASIN, Mr. STAGGERS, Mr. STEPHENS, Mr. THORNTON, Mr. VANDER JAGT, and Mr. YOUNG of Georgia):

H.R. 9849. A bill to provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BRINKLEY:

H.R. 9850. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. BROTZMAN (for himself Mr. WOLFF, and Mr. MITCHELL of New York):

H.R. 9851. A bill to establish an Environmental Quality Corps; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 9852. A bill to amend title XVI of the Social Security Act (as added by the Social Security Amendments of 1972) to increase supplemental security income benefits by an additional $10 a month for individuals and $15 a month for couples; to the Committee on Ways and Means.

By Mr. BROWN of Michigan (for himself, and Mr. VANDER JAGT):

H.R. 9853. A bill to regulate Federal campaign contributions and expenditures; to the Committee on House Administration.

By Ms. HOLTZMAN:

H.R. 9854. A bill to empower the Federal Power Commission to prescribe and enforce quality control standards with respect to the manufacture and testing of electrical equipment for sale in interstate commerce to public utilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING (for himself and Mr. POWELL of Ohio):

H.R. 9855. A bill to amend section 410 of title 39, United States Code, to provide that certain provisions of the National Environmental Policy Act of 1969 shall apply to the Postal Service; to the Committee on Post Office and Civil Service.

By Mr. STEELE:

H.R. 9856. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 9857. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 9858. A bill to require that the three U.S. Commissioners on the International Joint Commission of the United States and Canada be appointed by the President by and with the advice and consent of the Senate; to the Committee on Post Office and Civil Service.

H.R. 9859. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every automobile, to provide funding to develop more efficient automobile engines, and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK (for himself, and Mr. MCCLORY):

H.R. 9860. A bill to provide for the recycling of used oil and for other purposes; to the Committee on Ways and Means.

Mr. BROTZMAN:

H.R. 9861. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. DIGGS (for himself, and Mr. HELSTOSKI):

H.J. Res. 699. Joint resolution to protect U.S. domestic and foreign policy interests

by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. MATSUNAGA, and Mr. CORMAN):

H.J. Res. 700. Resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. BADILLO, Mrs. CHISHOLM, Mr. CONYERS, Mr. DAN DANIEL, Mr. RHODES, Mrs. HECKLER of Massachusetts, and Mr. MANN):

H.J. Res. 701. Joint resolution proposing an amendment to the Constitution of the United States to alter the process of election of U.S. Senators, Members of the House of Representatives, and the President of the United States; to the Committee on the Judiciary.

By Mr. MARAZITI:

H.J. Res. 702. Joint resolution to extend through September 1973, the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, and for other purposes; to the Committee on Banking and Currency.

By Mr. RODINO:

H.J. Res. 703. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. SYMMS:

H.J. Res. 704. Joint resolution proposing the Bricker amendment to the Constitution of the United States relative to force and effect of treaties and Executive agreements; to the Committee on the Judiciary.

By Mr. DU PONT (for himself, Mr. ARCHER, Mr. BROYHILL of North Carolina, and Mr. BURGENER):

H. Con. Res. 285. Concurrent resolution to express the sense of the Congress with respect to certain vocational and career student organizations; to the Committee on the Judiciary.

By Mr. HUBER (for himself, Mr. MANN, and Mr. ROE):

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. BADILLO, Mr. HECHLER of West Virginia, Mr. REUSS, Mr. HARRINGTON, Mr. DRINAN, Mr. NIX, Mr. DENHOLM, Mr. HELSTOSKI, Mrs. CHISHOLM, Mr. ROSENTHAL, Mr. MOORHEAD of Pennsylvania, Mr. MCCLOSKEY, Mrs. SCHROEDER, Mr. MEEDS, Mr. REES, Mr. CONYERS, Mr. BERGLAND, Mr. DANIELSON, Ms. ABZUG, Mr. HASTINGS, and Mr. EDWARDS of California):

H. Res. 521. Resolution to express the sense of the House regarding diplomatic relations between the United States and Sweden; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mrs. CHISHOLM, Mr. EILBERG, and Mr. RANGEL):

H. Res. 522. Resolution; an inquiry into the extent of the bombing of Cambodia and Laos, January 20, 1969, through April 30, 1970; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII,

260. The SPEAKER presented a petition of the village board, village of Fox Point, Wis., relative to overtime payments for firemen; to the Committee on Education and Labor.