

on surface mining, and any other measures that have been cleared on the calendar, and on as many conference reports as can possibly be agreed to; and the leadership would urge Senate committee chairmen who have measures pending in conference with the House of Representatives to act as expeditiously as possible to wrap up conferences and present conference reports to the Senate floor for action next week if at all possible, before the aforementioned recess begins.

#### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 6:57 p.m., the Senate adjourned until tomorrow, Thursday, October 4, 1973, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate October 3, 1973:

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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

##### To be lieutenants

Joseph A. Sowers  
Larry A. New  
Andrew N. Bodnar, Jr.

To be lieutenants (junior grade)

Christopher B. Lawrence	Bobby J. Taylor
James E. Newcomer	Kenneth H. Underwood
Robert B. Zider	Joseph M. Kunches
Larry L. Minter	Steven J. Hollinshead
Frank B. Arbusto, Jr.	Michael J. Eisenstat
Stephen D. Whitaker	Robert E. Karlin
Stephen A. Young	James A. Watkins
Bruce L. Crumley	Steven R. Birkey
Richard P. Moore	Craig S. Nelson
Robert C. Hoge	Stephen H. Manzo
Richard A. Zachariason	Alan J. Pickrell
James A. Wexler	Craig B. Christensen
Charles L. Kureth	Dan E. Tracy
Joseph D. Wilson	Neil P. Glotter
Patrick L. Wehling,	Thomas W. Jackson III

Jr.

Thomas W. Ruszala	Bruce E. Shimano
Thomas R. Crane	Hugh H. Sprunt, Jr.
	Kent J. Stong

##### To be ensigns

David Paschuti	Charles D. Mason
Craig P. Berg	Bryan K. Mezger
Francesca M. Cava	William D. Otto
Donald A. Dossett	Kenneth W. Perrin
Joanne Gulley	Thomas G. Russel
Bruce B. Johnson	

## HOUSE OF REPRESENTATIVES—Wednesday, October 3, 1973

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Trust ye in the Lord forever: for in the Lord God is everlasting strength.*—Isaiah 26: 4.

O Thou whose love will not let us go and whose light follows us all our way, make us responsive to Thy spirit as we open our hearts unto Thee. Help us to meet the challenge of these times with courage, to carry our responsibilities with confidence, and to solve our ever-present problems with creative wisdom.

We pray for our President, our Vice President, our Speaker, Members of Congress and all who work with them. They have pressures which tax their resources to the limit, duties which demand their attention and abort their time, criticisms which often make their lives miserable. Grant that our people may begin to think of our leaders more and more with sympathetic hearts and understanding minds and less and less with provincial prejudice and fruitless faultfinding.

Bowing before the altar of prayer give to us all a greatness of spirit, a purity of heart, and a willingness to serve Thee and our country with all our being.

In the spirit of Christ we pray. Amen.

#### THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

#### PROPOSED AMENDMENT TO URBAN MASS TRANSPORTATION ASSISTANCE ACT

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

Mr. WOLFF. Mr. Speaker, I would like to alert my colleagues to the fact that this afternoon I will be offering an amendment to the Urban Mass Transportation Assistance Act. The amendment directs the Secretary of Transportation to conduct a full and complete safety investigation of rail facilities in New York that are supervised or leased by the Metropolitan Transportation Authority.

Over the summer, New York City has experienced six major accidents on its rail system. Local officials have called upon Secretary Brinegar to conduct a systemwide safety investigation in an effort to prevent similar catastrophes from occurring in the future. Because the Secretary has declined to do such a study, I will be offering my amendment in the interests of protecting New York's 4 million daily transit riders.

#### PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 10203, WATER RESOURCES DEVELOPMENT ACT OF 1973

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a committee report on H.R. 10203, the Water Resources Development Act of 1973.

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

There was no objection.

#### PROSPECTIVE WHEAT SHORTAGES

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

Mr. JONES of Oklahoma. Mr. Speaker, for the past 2 months I have conducted

a mobile congressional office which visited all parts of my congressional district. One of the dominant and recurring themes in my district is the shortage of critical products and, in particular, the shortage of wheat which may occur because of an increase in wheat exports in the coming year.

The Department of Agriculture says that we have a bumper crop of 1.8 billion bushels of wheat, of which 1.1 billion bushels are already committed to export sales.

Because of the great interest in my district, in early September I wrote to Secretary of Agriculture Butz and asked for an explanation of the shortage and asked what the Department was doing to insure a domestic supply in the coming year. About 2 1/2 weeks later, I received a response, not from the Secretary of Agriculture, but from the Assistant Sales Manager of the Commodity Exports Division of the Export Marketing System of the USDA, who answers to the Associate Sales Manager, who answers to the Deputy Associate Secretary, who answers to the Assistant Secretary for International Affairs and Commodity Programs.

None of the questions which I raised was answered. It was a bunch of bureaucratic "bushwa" that simply could not be explained or understood.

Mr. Speaker, this afternoon I am taking a special order to explore the prospective shortage of wheat in the coming year, and I encourage the other Members of this body to join me in calling the attention of the Nation to this critical problem. If there is one thing that consumers in this country cannot understand, it is that there is not enough wheat to insure bread on the table at a reasonable price in the coming year. It is going to be a very serious situation which we are all going to be called upon to explain.

## INVESTIGATION OF THE VICE PRESIDENT

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

Mr. HUBER. Mr. Speaker, it is now common knowledge that the majority leadership of this body has elected to reject the request of the Vice President that the House initiate an impeachment investigation.

Are those of us who are committed to country above party and justice above partisanship to understand that the majority party may, at a private meeting, repeal a portion of the Constitution? Does political convenience control the application of this body to its duty? Are there those who feel that article I, section 2, clause 5 of the Constitution imposes a rule only when it is convenient?

Members have been free with hints and rumors and leaks that threatened just what the Vice President has demanded. It is now obvious that the leaks meant not a lust for justice but a ploy for political advantage.

We are now spectators at the comedy of the courts being inappropriate in January but untouchable in September. Archibald Cox is unleashed without legal sanction while the House must not exercise even its constitutional mandate. Will the public long credit the respect for law, the need for justice or the commitment of this House to either, if a small coterie of House leaders from the opposition party is permitted to amend the Constitution unilaterally?

## PROPOSED ELECTION REFORM

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

Mr. DENT. Mr. Speaker, this morning's Post carries a story that was completely out of thin air, and without any fabric of truth in it at all. It relates to a young lady who crudely invaded the private office of the chairman of the Committee on House Administration, where we were holding a conference trying to work out some strategy to move the post card registration bill from the table where it had been laid by the subcommittee, and to move the reform hearings up a little.

In this young lady's story she said that she was booted out of the office, I believe, by the gentleman from Ohio (Mr. HAYS) and myself. Well, I do not swing my feet and miss, so she was not booted. But I want to say that it is about time that we stand up to these private-interest organizations that take one little item of our agenda and ride it to death.

Common Cause has only one common cause, and that is to collect \$20 from 250,000 people, and to report to them the activities of the House. They do not report anything except events and incidents that can be twisted into a condemnation of House Members. I have never heard anything from Common Cause on any subject except election reform. Common Cause wrote the major part of the

bill that is now on the books, which was the base for the greatest election scandal in the history of the United States.

I, for one, as chairman of the subcommittee, am not going to be stampeded into writing any piece of legislation in this body that will compound the felony as it were following Common Cause approved ceilings for spending sums of money for campaigns for Congress that are far beyond at least 85 percent of citizens ability to put into a campaign.

We are going to write a reform proposal, but it is the Congress that will write it, and not Common Cause.

I hope it will do at least the following:

A. Limited expenditures based upon a reasonable relationship between salary and campaign costs.

B. A single reporting committee for which the candidate is personally responsible.

C. Limit the amount an individual can contribute.

D. Open reporting available upon request by any citizen.

E. Pre-empt Congressional reporting with copies of Federal reports filed with proper State and/or local government.

F. Will not raid the public treasury and increase taxes to give candidates a free ride to force TV time and other items.

G. Will not deny any citizen the right and privilege to stand for election by setting up unreasonable barriers to third party or minority parties or individuals.

## PROPOSED ELECTION REFORM

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

Mr. HAYS. Mr. Speaker, in line with what the gentleman from Pennsylvania (Mr. DENT) said, may I say that the committee is holding hearings on election reform.

The gentleman from Pennsylvania is exactly right. It was Common Cause and some of their henchmen who tore up the election reform bill that we had and substituted their version, which made it possible for Watergate to happen.

Common Cause exists, as far as I can find out, only to promote the Presidential aspirations of John Gardner, which is probably the most ridiculous promotion since P. T. Barnum tried to promote his circus midget for that office.

John Gardner, as I have said before, has won hands down the accolade of being the worst Secretary of Health, Education, and Welfare the country ever had—and he had no mean competition in that contest, he was running against the likes of Oveta Culp Hobby. And you know, when you can beat her for being the worst Secretary there is, you really have to work at it.

If there are, as Common Cause alleges, 250,000 people in this affluent society who are stupid enough to send John Gardner 20 bucks, that just goes to show that the country is a lot more affluent than a lot of us thought it was.

## APPOINTMENT OF CONFEREES ON H.R. 6768, PARTICIPATION BY THE UNITED STATES IN U.N. ENVIRONMENT PROGRAM

Mr. FRASER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6768) to provide for participation by the United States in the U.N. environment program, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? The Chair hears none, and appoints the following conferees: Messrs. FRASER, MORGAN, FASCELL, FRELINGHUYSEN, and GROSS.

## MICRONESIAN CLAIMS ACT OF 1971

Mr. FRASER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6628) to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 5, strike out "1974" and insert "1947".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 372

*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. 6452) to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, 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 Banking and Currency now printed on page 9, lines 1 through 17 of the

bill notwithstanding the provision of clause 4, rule XXI. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

**THE SPEAKER.** The gentleman from Illinois is recognized for 1 hour.

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

Mr. Speaker, House Resolution 372 provides for an open rule with 2 hours of general debate on H.R. 6452, a bill to amend the Urban Mass Transportation Act of 1964 to provide an increase in the amount authorized for assistance and to increase the portion of project cost which may be covered by a Federal grant.

House Resolution 372 provides that all points of order against the bill and the committee amendment for failure to comply with the provisions of clause 4, rule XXI of the rules of the House—prohibiting reappropriations in a legislative bill—are waived.

House Resolution 372 also provides that it shall be in order to consider the amendment recommended by the Committee on Banking and Currency now printed on page 9, lines 1 through 17 of the bill as an original bill for the purposes of amendment.

H.R. 6452 directs the Secretary of Transportation to allocate operating subsidies under a formula based on three factors: Population of the area served by the mass transit system; the total number of revenue passengers carried by the system; and the total revenue vehicle miles traveled by the system. The bill prohibits the allocation of subsidies unless the Secretary receives from the State or local body a comprehensive mass transportation service improvement program.

The bill authorizes \$400 million for each of fiscal years 1974 and 1975 for the operating subsidy program. Section 3 of the bill provides for an increase in the capital grant ratio from a two-thirds Federal one-third local contribution to an 80 percent Federal 20 percent local contribution.

Mr. Speaker, I urge adoption of House Resolution 372 in order that we may discuss and debate H.R. 6452.

#### CALL OF THE HOUSE

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

**THE SPEAKER.** Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 490]		
Ashley	Gubser	Nichols
Barrett	Gude	Peyser
Blatnik	Hanna	Pike
Brown, Ohio	Harsha	Powell, Ohio
Burke, Calif.	Hebert	Reid
Chisholm	Johnson, Colo.	Rooney, N.Y.
Clark	Jones, Ala.	Rosenthal
Clay	Kluczynski	Runnels
Conyers	Leggett	Sandman
Dingell	Lott	Vander Jagt
Edwards, Ala.	Melcher	White
Esch	Mills, Ark.	Whitten
Fraser	Myers	

**THE SPEAKER.** On this rollcall 396 Members have recorded their presence by electronic device, a quorum.

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

#### URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1973

**THE SPEAKER.** The Chair recognizes the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

(Mr. HORTON asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. HORTON. Mr. Speaker, I rise in support of H.R. 6452, the Urban Mass Transportation Assistance Act of 1973. This legislation would extend Federal operating assistance to the Nation's mass transit systems at a modest authorization level of \$800 million for fiscal year 1974 and fiscal year 1975.

While our communities contemplate drastic steps to curtail the use of the private automobile and to comply with air quality standards, this year's budget would make only 6 cents of each transportation dollar available for mass transit, compared to 57½ cents for highways. Better mass transit is the key to mobile, less polluted and less congested cities, but we will not succeed as long as rising fares send riders back to their cars.

Congress began responding to these realities earlier this year when we finally succeeded in freeing a portion of highway trust fund money for the capital needs of mass transit systems. Our action on the bill before us today will signal whether we want to progress further toward an enlightened transportation policy.

Mr. Speaker, I would like to use my time to commend the Banking and Currency Committee for including in H.R. 6452 specific provisions to aid the elderly and the handicapped, provisions which are absent from the measure passed by the Senate. H.R. 6452 requires that any transportation system receiving operating subsidies must provide the handicapped and the elderly—age 62 and over—half-fares or less during nonpeak hours.

The transportation needs of our Nation's elderly were brought to my attention through a major conference on senior mobility held in my district. That conference centered on a simple point.

While much needs to be done to improve mass transit routes and accessibility, those improvements will be futile if the elderly individual cannot afford the fare. It is for this reason that the White House Conference on Aging, the National Council of Senior Citizens, the National Council on Aging, and the American Association of Retired Persons have all called for the Federal Government to improve senior citizen mobility through Federal operating subsidies. H.R. 6452 not only accomplishes that goal but makes such support contingent upon reduced fares for the elderly.

The importance of H.R. 6452 to our handicapped and senior citizens is evident in the communications I have received from the National Rehabilitation Association and the American Association of Retired Persons. I include at this point the comments of those associations for the review of my colleagues:

AMERICAN ASSOCIATION OF RETIRED PERSONS,  
NATIONAL RETIRED TEACHERS ASSOCIATION,  
Washington, D.C., October 2, 1973.

Hon. FRANK HORTON,  
Rayburn House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN HORTON: The American Association of Retired Persons and the National Retired Teachers Association urge your support for H.R. 6452, authorizing operating subsidies for urban mass transit systems.

Transportation problems experienced by older persons fall into three major categories: design, economics and availability. In an analysis made by the Bureau of Labor Statistics, transportation ranked as one of the largest expenditures in the average retired couple's budget. It accounted for 8.9 cents out of every dollar. The only categories with larger expenditures were food, housing and medical care. However, the true importance of the transportation role is not its relative cost but the dependence of many other activities on transportation services. Without adequate transportation a tremendous obstacle is imposed on the elderly, making it difficult for them to confront the simple tasks of living which they previously had taken for granted. Because of the serious lack of adequate intercity transportation, the elderly frequently abandon shopping, seeing physicians, visiting relatives, going to senior citizen centers, or attending other social activities.

Confronting the issue of transportation, the 1971 White House Conference on Aging declared that it should be federal policy to increase transportation services for the elderly. The delegates to this aging forum urged the federal government to provide financial support for operating subsidies to maintain and develop mass transit systems and declared that such support should be contingent upon efforts to reduce transit fares for the elderly. Both of these priority recommendations are encompassed in H.R. 6452.

Our Associations, with a combined membership of over 5½ million older Americans strongly favor any step aimed at improving public transportation, and we believe H.R. 6452 establishes the basic framework for a realistic program of upgrading our intercity transportation systems, thereby making them more available and accessible to older Americans.

Sincerely,

CYRIL F. BRICKFIELD,  
Legislative Counsel.

## NATIONAL REHABILITATION ASSOCIATION,

Washington, D.C., October 2, 1973.

Hon. FRANK HORTON,  
Member of House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN HORTON: The National Rehabilitation Association strongly supports H.R. 6452 entitled "Urban Mass Transportation Assistance Act of 1973".

The National Rehabilitation Association regards the legislation as basically sound. It is especially interested, however, in that section that has to do with benefits that may accrue to elderly people and handicapped individuals by ensuring that they will have reduced fares during nonpeak hours. As you know, one of the most difficult problems severely handicapped people have is getting to and from work with reasonable facility and at reasonable cost. In addition, there are great difficulties in conducting the normal affairs of life outside of the work situation. We recognize that some jurisdictions have already tried experiments along the line you are suggesting in this legislation, and they have been found to be quite productive. I am sure that many thousands of handicapped individuals and elderly persons will be able to benefit substantially from this legislation. You are to be congratulated upon sponsoring it.

With best wishes, I am

Sincerely yours,

E. B. WHITTEN,  
Executive Director.

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

Mr. Speaker, House Resolution 372 is the rule for the consideration of H.R. 6452, the Urban Mass Transit Assistance Act of 1973. This rule is an open rule with 2 hours of general debate. It also waives points of order against the bill for failure to comply with clause 4, rule XXI, which is appropriation in a legislative bill. Additionally, the same waiver of points of order is included against the committee amendment on page 9.

Mr. Speaker, I am opposed to the passage of this rule. It makes in order a bill which will merely cause us to go over much of the same ground that we have already covered in our consideration of the Federal-Aid Highway Act. The Highway Act authorized an additional \$3 billion exclusively for mass transit capital grants and also a sum of \$2.5 billion for urban transportation programs which can be used for highway construction or mass transit investments. For the first time, it permitted transit projects to be substituted for controversial interstate routes. In addition, the Highway Act included a provision calling for the Secretary of Transportation to evaluate that portion of the 1972 National Transportation Report pertaining to public mass transportation. Among other things the evaluation must include an analysis of the funding capabilities of Federal, State, and local governments for meeting mass transit needs. It makes no sense to spend additional large sums without waiting for the results of this evaluation.

The administration is strongly opposed to the enactment of this bill, at a time when it is essential to control Federal spending. If inflation is to be controlled, we cannot continue to increase Federal spending.

Mr. Speaker, in order that the House may not waste its time fighting over again the battles that were recently fought on the Federal aid to highway bill, I will ask for a no vote on passage of this rule. Let us defeat this rule and not waste our time plowing the same ground twice.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATTA) a member of the Committee on Rules.

Mr. LATTA. Mr. Speaker, like the gentleman from Tennessee (Mr. QUILLEN), I am opposed to the passage of this rule and the passage of this legislation.

The President recently signed into law the Federal Aid to Highways Act of 1973, this act authorized an additional \$3 billion exclusively for mass transit capital grants and also a sum of almost \$2.5 billion for urban transportation programs which can be used for highway construction or mass transit investments.

I do not know why we should now be asked to pass this legislation for operating subsidies. I stress the words "operating subsidies."

I say, Mr. Speaker, how much more do a few large cities want from the taxpayers of this country? If we pass this legislation, the bulk of this \$800 million is going to go to five or six of the largest cities in the Nation.

I do not think this is fair to the other taxpayers, Mr. Speaker. I do not think this Congress ought to be considering this legislation.

Certainly I agree with the gentleman from Tennessee, this legislation is not going to become law. The President is not going to sign it. Why should we be bothering with it today? We ought to be dealing with necessary legislation which can become law rather than taking up the time of this House on legislation that is not going to become law.

So I urge that we defeat this rule and get on with other business of this House so that perhaps next month we can adjourn this Congress and save the taxpayers of this country still more money.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Speaker, in 1964, I played a part in getting the first mass transit act adopted. I have continued to advocate mass transit legislation ever since, supporting increased authorizations and appropriations for what I regard as basic to the needs of our time and this country.

While I am quite sure that what I have done has had the backing of my constituents and that of other citizens of my native State of New Jersey, I also believe that my activity has not been narrow and parochial. I believe that the transportation problems of my district are common to all parts of the country and are becoming even more troublesome as our population builds.

In expressing this firm conviction, I am not without misgivings. Funds for mass transit are essential. I have taken this position again and again. Beyond

that, I am searching for innovative ideas, not just a larger slice of the mass transit "pie" for the interests directly concerned. My principal concern is for the people who ride mass transit of necessity. They should receive the best possible service, and not be charged an outrageous price for it.

I mentioned, however, my misgivings. I do not want to see us subsidize to the point that the subsidized operations gain an unfair advantage over the unsubsidized. Neither do I want advisory bodies that, coming from hundreds of communities within the area served, bog down in local, multivoiced, parochial disputes that have only a peripheral relation, if any, to mass transit.

I will not bore you with a reiteration of my objections, but I would like to make one point. We are still short of essential knowledge concerning mass transit. The only solution offered in this bill is the typical one of throwing money at it in hopes the problems will go away.

The House has already defeated an amendment offered to the Federal-Aid Highway Act of 1973, which would have put the Federal Government in the business of paying operating subsidies for mass transit systems. It seems wasteful that we must now consider the same provision in the form of a separate bill.

This is especially true when one remembers that as part of the Federal-Aid Highway Act of 1973 we included a provision calling for the Secretary of Transportation to evaluate that portion of the 1972 national transportation report pertaining to public mass transportation. Among other things, the evaluation must include:

First. Analyzing the existing funding capabilities of Federal, State, and local governments for meeting mass transit needs;

Second. Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs;

Third. Determining the operating and maintenance costs relating to public mass transit systems; and

Fourth. Determining and comparing fare structures of all such systems.

Also included in the new law is a requirement to study tax sources as revenue mechanisms to assist mass transit.

Surely, it makes sense to await the results of the reports before embarking on such an expensive and possibly never-ending drain on the Federal Treasury.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, when the decision was made 3 weeks ago to postpone consideration of this transit operating subsidies bill, I cheered, and hoped we had seen the last of the bill. Unfortunately it is back again, so I believe it is necessary to vote down the rule today.

There are numerous objections to this bill that I cannot detail in the limited time available, but I can list some of the worst features.

The worst flaw is that the concept of

operating subsidies is inherently deficient. Operating subsidies turn transit spending priorities upside down. They will perpetuate absolute systems. They will divert limited transit dollars from more needed and more promising capital grant and research programs.

Worse, this bill will set an unwise precedent of Federal liability for operating losses in all systems, even future ones. If this bill passes, we will be accepting unfunded future liabilities amounting to billions of dollars. And how difficult will it be to get a capital grant if DOT and OMB have to consider also the operating loss cost of each new system?

Not only is the \$400 million squandered on the wrong systems, but also is spent in the wrong places. Under the bill's allocation formula, a handful of large cities, with traditional—and obsolete systems would get the lion's share of the money. DOT figures show that five cities would receive over 40 percent of the funds each year. New York alone will receive nearly one quarter of the \$400 million. The figures for the five largest recipients are as follows:

	Annual subsidy	Percent of total
New York	\$89.4	22.3
Chicago	26.9	6.7
Los Angeles	18.2	4.6
Philadelphia	16.3	4.1
Boston	11.4	2.8

If, as it appears, our purpose is to bail a few obsolete transit systems out of serious difficulties, we ought to say so rather than cloak that limited objective in the garb of a national transportation program.

The residents in my area already tax themselves to overcome the transit losses in their areas. So do other areas throughout the country. Our transit system is mostly in the planning stage now, but we are prepared to support our system with tax dollars. But I have a lot of trouble explaining why my area should be asked to support inefficient systems in other cities which are not making similar efforts.

We are far better advised to use our limited transit dollars to continue the essential business of developing new technologies and helping cities to pay for them. These programs offer the best hope of reversing the continuing decline of transit patronage. Operating subsidies can only delay the development and deployment of the kinds of systems that people will want to ride.

So let us not waste scarce transit dollars on obsolete systems; let us not accept future liabilities of billions of dollars of future transit operating losses; let us not tolerate a big-city money grab; let us put those scarce transit dollars where they will do the most good. Let us vote down this rule.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, it is my intention, and I think it is the

intention of many on this side of the aisle, to fight the rule because it is evident that many are very strongly opposed to the enactment of H.R. 6452. We believe that it would be an academic exercise to pass the rule, consider the bill, and perhaps pass the bill, because it is inevitable that this legislation would not get the approval of the administration.

I have in my hand here a letter dated October 1, 1973, from the Secretary of Transportation, the Honorable Claude S. Brinegar, indicating that the administration is unequivocally opposed to this legislation. I will quote in part from that letter:

The most important feature of H.R. 6452 would be the establishment of a new categorical grant program making funds available exclusively for operating subsidies. This bill would authorize \$800 million for these grants and distribute the money by formula among only the largest urban centers.

On the basis of that fact alone the administration has indicated without reservation that it opposes this legislation.

Mr. Speaker, I therefore urge that we defeat the rule and, if unsuccessful, defeat the legislation.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Speaker, it has been charged here that this is a "big city" bill. Under any program that has been enacted into law by the Congress of the United States, we apply whatever money is appropriated where the need is.

I might say to the gentleman from Minnesota, my good friend (Mr. FRENZEL), that when he talks about the "big city," he also ought to consider what a State like New York pays in income taxes. They happen to pay \$30 billion. Where the population is, that is where the problem is.

I do not know what the gentlemen on the other side think about Secretary Brinegar. I have great faith in him. I have great faith that none of this money will be wasted. We have safeguards in the bill. I will read what section 2 says:

In order to receive these operating funds, a mass transit system would be required to submit to the Secretary of Transportation for his approval a plan for comprehensive improvement of operations and services. The required plan would set forth a program for providing more efficient, economical, and convenient mass transit service and for placing mass transit operations on a sound financial basis. The Secretary is further empowered by this section of the legislation to issue such regulations as he deems necessary to administer the operating assistance program in an equitable manner, and to develop criteria for evaluating applications for assistance under this new program comparable to criteria presently employed by the Department in the awarding of capital grants.

Another safeguard in the bill is the formula under which the funds would be distributed. The simple device of basing payments in part on the number of passengers carried by a system provides a built in incentive to increase ridership by providing better service.

So what are we concerned about?

As President Nixon said in his 1973 Message on Transportation:

Nothing can do more to lift the face of our cities and the spirit of our city dwellers, than truly adequate systems of modern transportation . . . Good public transportation is essential not only to assure adequate transportation for all citizens, but to forward the common goal of less congested, cleaner, and safer communities . . . effective mass transit systems that relieve urban congestion will also reduce pollution and the waste of our limited resources.

Mr. Speaker, that is all we are trying to do.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, a statement has been made by one of my colleagues in opposition to the rule that this is a "big city" grab. In my judgment, it is just a response to a need that has been universally recognized as critical. It may seem parochial, but its span of concern and impact is vast.

I have been in the Congress some 5½ years now, and during that period we have dealt with many parochial events and issues much more narrow in scope. It was not too long ago we were considering legislation relative to eucalyptus trees. Most people in America do not even know what a eucalyptus tree is and yet millions of dollars were involved in this proposal.

The legislative agenda this week contains an item concerning the Big Cypress. It has little or no effect on the 200 million people in the cities in these United States. I heard my friend, the gentleman from Iowa (Mr. GROSS), make reference a couple of years ago to the study of the sex life of the tsetse fly. These matters are not of general universal interest and application.

In my opinion the adversaries of this bill offer poor arguments. They say that perhaps if we pass the rule and if we pass the bill the President will veto it. We should permit the President to review the findings of the Congress and then if he sees fit he will either sign or veto a bill which we feel will provide a great deal of assistance to millions of people in these United States. I harbor a hope that he will recognize the need and sign the bill into law.

We have a crisis in the mass transportation area. We look to Government to respond. The cities have tried and failed. The States have tried similarly and have not done as well, so we look to the ultimate refuge, the Federal Government, for the solution to a problem that concerns millions of people and industry in these United States.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Speaker, I rise in support of this rule. I have heard during the course of the debate this afternoon that this issue had been decided in the passing of the highway trust fund bill. All of us know that this issue had not been decided because the "guts" of the

bill that would come under this rule concerns \$800 million over 2 fiscal years to be used for operating subsidies. Public transportation services cannot depend solely on the fare box revenue for their support. Well over \$400 million in local taxes are now used to pay for part of the operating costs of public transportation systems in some 123 cities. Nevertheless in the absence of sufficient revenue, the fares necessarily rise, the ridership concurrently decreases, and the services decline. This is a vicious cycle in the cities of this country which they know too well.

I say to my friend who indicates that this was a big money grab on the part of the cities, that it is a known fact that more than 70 percent of the population of this country reside in the cities and they pay most of the taxes. All they are asking in this bill are some little crumbs to operate mass transit facilities.

The condition we find in the cities is a worsening situation. A recent study by the special Commission on Financing of Mass Transit found that in the period 1972 to 1985 the New York metropolitan region will need \$13.6 billion to finance mass transit operating deficits. That is approximately \$100 million per year and even that is underestimated.

Furthermore, these costs are computed on the assumption of constant ridership, which is unrealistic in the absence of Federal operating subsidies and the resulting need for fare increases. Keeping mass transit fares down must be seen for what it is. It is an essential part of our permanent policy aimed at balancing our urban transit systems; and, although also it is not the sole culprit, rising fares is a culprit in driving people off mass transit into automobiles and thus further crowding our streets and polluting our air.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Speaker, I can understand why our friend, the gentleman from New York, who has been an ardent advocate of this bill would be for the subsidies in this bill because so much of the operating subsidies will go to help bail out the New York system and because all of his constituents travel on that system. The New York system has been in desperate trouble and it has been mismanaged. I can understand why he would be here in the well asking the Federal Government to bail out the bad system, but is it not a bad precedent for this Congress to start bailing out every single transportation system in the Nation that cannot make a go of it because of bad management?

Mr. BRASCO. Let me say to my good friend that New York City has been helping itself. We have been putting up millions of dollars to subsidize our mass transit system and other cities across the face of this land are doing the same. But we can't continue.

What I think my friend fails to under-

stand is that when we build a highway, repairs from time to time may occur, but when we are talking about mass transit, not only are we talking about the buses and trains, but we are talking about the repair shops the mechanics needed to repair the equipment; the operators of those systems; we are talking about conductors, train stations, and bus stops that must be maintained.

Mr. ROUSSELOT. Are policemen in on this subsidy?

Mr. BRASCO. No, but as part of operating a transit system, they are involved in the New York City Transit Authority.

Mr. ROUSSELOT. Mr. Speaker, I want to ask this question: Why should the rest of the Nation's taxpayers bail out New York City because it has not been able to manage its transportation system in a responsible way?

Mr. BRASCO. Mr. Speaker, I do not believe we are bailing out New York City, because every city in the Nation is faced with the same problem. Up to date, we put more than \$50 billion into the highway system and we are only asking for \$800 million over 2 fiscal years for operating subsidies. I suggest to my friend and to all those who appeared in the well and appeared on behalf of the highways, they ought to remember the commitments they made; that they would vote to assist mass transit. I suggest this is the only way we can help them.

Mr. ROUSSELOT. Mr. Speaker, there is \$3 billion in the highway bill for mass transportation. The gentleman still has not answered my question. Why should the taxpayers over the country bail out New York City?

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

Mr. MURPHY of Illinois. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

Mr. BRASCO. Mr. Speaker, I suggest to my good friend that what we ought to start is swimming together on all of our diverse interests, or we are going to sink separately.

Let me say what happens as a result of fares going down. In San Diego, the fare was reduced to 25 cents from a previous base of 40 cents, plus additional fractions of a cent for additional zones. Ridership increased by 46 percent in the first month. Similar results have occurred in Seattle, where there was a substantial increase in suburban and urban ridership due solely to reduced fares. In Atlanta, they have reduced their fare and there was an increase in ridership.

Mr. Speaker, I fear we do not understand what the problem is. This is not a big city grab, but an effort on the part of the cities of this Nation to make a mass transit system work in conjunction with other programs that are designed to reduce air pollution, unclog our highways and conserve energy.

I urge my friends to support this rule.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Speaker, I would like to take head-on this question of whether

or not this is a big city bill, and also the other question of whether or not the Federal highway bill we passed disposed of this problem.

With respect to the last question, it did not dispose of it, because the Federal highway transportation bill we passed relates only to construction. It does not relate in any way at all to operating subsidies for the commuter lines, bus lines, and subway lines, of the country. Most important this bill relates to the entire country, because every single mass transit line, private or public, will be eligible for assistance subject to a plan submitted to DOT by the appropriate agency in that State.

The Members ought to know this: That almost every single transit line in this country, whether it be private or public, is operating in the red. They are not able to make a go of it.

Going back now to the first question, whether or not this is a big city bill, let us be very honest in our discussion. This bill will apply where the existing transit lines are. It will not be providing an operating subsidy to a transit system that does not exist. Therefore, obviously, where the subway riders are, or where commuters are, or where bus riders are, that is where the money will go.

Is that any different from what we have done, for example, with highways? There is no limitation as to where we will put our highway money. It goes where the highways are. The highways are in the more rural and suburban parts of our country.

I accept that principle, I accept it because it makes sense to put the money where the need is.

Let us consider what we do in other areas of need. We have title I, under our education legislation. We do not have a limit saying how much we shall give to a particular area but rather we base the appropriation upon the number of children in that area in need. It is an allocation based on the number of needy children. That is surely a reasoned rational approach.

Let us consider another area of subsidy legislation that everybody knows about. In 1970 we spent \$5.2 billion in subsidies for farmers. I do not know anyone who came here and said, "Let us limit the amount per State." I do not know if New York or New Jersey or any of the Northeastern States gets very much out of that farm subsidy. The fact is they do not. But the Congress made a decision that we shall put the money where the need is.

Now we have before us legislation to help mass transit. Again I want to caution the Members that this is not just for big city subways. This is for bus lines, for bus lines in any town in this country, and there is not a town that does not have a bus line that I know of. They will be eligible also.

I am urging the Members to look at this not from a parochial point of view, that is to object that the Northeast is going to get a major share of the money, or California is going to get a large

amount, because this is after all one country.

I know that Members from the heart of our country, the Midwest, come before us in this very well and say, "We have to assist the farmers." They are right. The farmers are citizens of this country who deserves assistance.

When we in the more urban areas of this country come in and say, "We have a need; the need is to keep our cities great because if our cities go down the rest of the country will suffer," we also should be heard.

What I am urging all the Members to do is to look at this from the point of view of what is good for our country. Is it good for this country that our subways, commuter lines and bus lines operate in a way that more people will use them? Who can dispute that?

In 1945, 23 billion people annually used the commuter lines, subway lines and bus lines. It is true that they used those to a greater extent then because cars were not available to the same degree as today, but it is also true today that the number has fallen to about 6.5 billion, or one-quarter of the number use subways and commuter lines and bus lines. We must change that and revitalize mass transit. This bill will do that.

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

Mr. MURPHY of Illinois. Mr. Speaker, I yield the gentleman 1 additional minute.

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

Mr. KOCH. I yield to the gentleman from New York.

Mr. REID. I commend the gentleman in the well for his statement.

There is one additional point in terms of thinking about the importance of this legislation which I believe should be mentioned. That is, this legislation is critically important for our senior citizens and our handicapped. As the American Association of Retired Persons and the National Retired Teachers Association point out, the average retirement couple spends about 8.9 cents out of every dollar on transportation. This may mean the difference as to whether they are able to visit a senior citizens center or to see a doctor.

I believe in terms of the elderly and the handicapped this is something critically important.

I urge passage of this bill to provide and improve transportation facilities throughout the Nation, including in New York where high bus and subway fares threaten reduced use of the lines and at least indirectly impede construction of new vitally needed ones. Operating subsidies authorized in this bill would do much to increase passenger use of the lines and in the long run generate new revenues.

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

Mr. KOCH. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I appreciate the gentleman yielding.

I believe the gentleman made the

statement that the operating subsidies would go to private firms as well as public firms. Is that correct?

Mr. KOCH. That is correct, subject to a plan—

Mr. BLACKBURN. The gentleman answered my question.

Mr. KOCH. Let me answer more fully. I control the time, and I would like to answer more fully.

The response to that question is that it is subject to plan approved by the local agency having jurisdiction and further approved by the DOT.

Mr. THORNTON. Mr. Speaker, as a representative from a large district which has little need for urban mass transit and great need for new highways, it might seem unusual that I rise in support of this rule. There is, however, an overriding concern which is felt in the agricultural and rural district which I represent. That concern is whether we will continue to have sufficient energy resources to provide fuel for our tractors, the drying and processing of grain, heating broiler houses, and other energy needs which are vital to the health and well-being of all our people.

For many years our Nation has subsidized the most luxurious form of mass transit which has yet been devised. That is, of course, the system by which each individual drives his own car over public highways to his place of employment. This system has been subsidized by inadequate recognition of real costs associated with this form of transportation. People little realize how much their Government pays for highways and the many facilities which are required to handle this volume of traffic. Many costs have been understated. Motor fuels have been priced as though the supply was inexhaustible rather than limited. No provision has been made for the cost of replacing these fuels with alternate and permanent energy sources.

Other very real costs have not been considered at all. These include the cost to all of us of maintaining acceptable levels of clean air, and the cost to our environment of massive urban traffic interchanges, parking lots and acres of concrete which make life less livable. Nor has a computation been made of the human costs of accidents and injuries associated with our present luxurious transit system.

Mr. Speaker, I am very concerned that the program of mandatory allocations of heating fuels which were announced yesterday may lead steadily to a destruction of the free market for energy to supply our Nation's needs.

This step may call for another and another, leading to a pervasive governmental control over energy resources. Such controls would provide all the leverage required to move our country toward a completely planned society in which everyone's use of energy is based upon governmentally assigned priorities. Because I believe that such a society is most undesirable, I believe that we have a responsibility to meet the energy problem

by encouraging conservation of our resources within a free market system.

The bill which is before us represents an effort to do this. It may contain imperfections, but they should be debated and resolved. It seems to me that we must recognize a high national priority to develop subsidized mass transit systems which would conserve scarce fuels and provide economical, if not free, transportation for those who use such systems.

I urge each of my colleagues to join with me in supporting this rule and in further efforts to insure that we use wisely the great resources with which our country is blessed.

Mr. ANDERSON of Illinois. Mr. Speaker, as one who represents an urban State in which the mass transportation system of our largest city is in dire need of operating assistance, and which will soon face very stringent curbs on downtown auto travel, I strongly believe that some kind of Federal aid must be forthcoming.

At the same time, I do not discount for a moment the arguments we have heard about the potential fiscal quicksand that the establishment of an operating subsidy program could lead to. However great the need for operating assistance may be, this bill carries few safeguards protecting the already overstrained Federal budget and provides no assurance that the funds made available will encourage more efficient and improved operation of the systems being aided.

As has been stated a number of times this afternoon, the basic fact about the plight of mass transportation in our urban areas is this: Due to inefficient, archaic management and unattractive services, and the various incentives and subsidies provided alternative modes of travel, especially passenger autos, mass transit in our urban areas is simply a losing financial proposition. Therefore, unless we provide some very strong incentives for modernized management of these systems and a better balance of Government policies between the competing transportation modes, the enactment of operating subsidies is indeed tantamount to pouring money down a rat hole. I want no part of dissipating taxpayer money on such a counterproductive endeavor.

To be sure, the authors of this legislation have included a requirement that applicants develop a "comprehensive service improvement plan" which is designed to deal with the problems I have just mentioned. But I think we have all dealt with enough programs and legislation of this type to recognize that such comprehensive plans will be just that: reams of statistics, proposed improvements, and projected blueprints which will never be meaningfully implemented.

In my view, if the committee had been serious about providing incentives and requirements for service improvement and operating efficiencies, it would have put these requirements in the distribution formula so they would have some teeth. Therefore, I have prepared an

amendment which I believe would correct a major defect in this legislation as reported to us.

It earmarks one-fourth of the total amount appropriated for the program to be distributed among the eligible areas solely on the basis of increases in ridership. This increase in ridership would be computed as the difference between revenue passengers in the last calendar year and the average level for the 5 years previous to that. In order to balance out the formula, the three factors now in the bill—population, passengers and vehicle miles—would each be given one-fourth of the weight rather than one-third as at present.

Mr. Speaker, I believe adoption of this simple but important change in the distribution formula would go a long way toward making this bill more acceptable. Mass transit systems will never become financially viable until we provide a strong incentive for them to upgrade their operations. The amendment that I am offering would do far more than anything else that has been proposed to accomplish this objective.

Mr. Speaker, I include with these remarks, a copy of the amendment which I propose to offer if the opportunity to do so arises during our consideration of the bill.

**AMENDMENT TO BE OFFERED BY MR. ANDERSON  
OF ILLINOIS TO H.R. 6542**

Page 3, line 22: Strike "one-third" and insert in lieu thereof "one-fourth"

Page 4, line 3: Strike "one-third" and insert in lieu thereof "one-fourth"

Page 4, line 11: Strike "one-third" and insert in lieu thereof "one-fourth"

Page 4, line 18: After the word "States" strike everything which follows and insert in lieu thereof ";" and"

Page 4, line 19: Between the end of Section (c) as amended above and the beginning of Section (d) insert a new subsection to read as follows:

"(4)(a) one-fourth of the total amount so allocated multiplied by a fraction the numerator of which is the total number of additional revenue passengers, computed pursuant to subsection (b) below, carried by mass transportation systems in urbanized areas of eligible applicants in that particular State and the denominator of which is the total number of such additional revenue passengers, computed pursuant to subsection (b) below, carried by mass transportation systems in the urbanized areas of eligible applicants in all the States.

"(b) For the purposes of subsection (a) of this section the term 'additional' passengers means the number of revenue passengers carried by mass transportation systems in each eligible urbanized area that is certified by the Secretary to be equal to the difference between the average number of such revenue passengers carried in the 'base period' and the number of such passengers carried during the calendar year next previous to the current fiscal year.

"(c) for the purposes of subsection (b) of this section 'base period' means the second through the sixth calendar years next previous to the current fiscal year.

"(d) in making the certification required in subsection (b) of this section the Secretary shall consider only those eligible urbanized areas in which the number of revenue passengers carried during the next previous calendar year is greater than the average

number of such passengers carried during the base period.

"(e) In the case of an urbanized area where there are not eligible applicants operating mass transportation systems during part or all of the 'base period', the Secretary may, at his discretion, reduce the amount that would otherwise be available to such area pursuant to subsection (d) by up to 50 percent if, in his judgement, such funds could not be used effectively in such area. Any allocation reduced subject to this subsection shall be reallocated among other eligible urban areas by the Secretary pursuant to subsection (d).

"(f) The sum allocated to any urbanized area pursuant to subsection (4) shall not exceed 100 percent of the amount allocated to such area pursuant to subsections (1) through (3) of this section. All such sums in excess of 100 percent shall be reallocated by the Secretary among the remaining eligible urbanized areas pursuant to the provisions of subsections (1) through (3)."

Mr. ROSTENKOWSKI. Mr. Speaker, the concept of operating subsidies for urban mass transportation is certainly not a concept that is being contemplated for the first time, here, in the 93d Congress. It was advocated by many in both Houses of Congress in the two Congresses that have preceded this one. Its proponents warned that failure to act on such a proposal would only lead to higher transit costs and thus lower ridership, a cycle once begun that is hard to break. Those advocates of Federal intervention warned that lower ridership would only lead to further deterioration of the center cities, cities that could not tolerate a further exodus from their economic cores.

If anything, the passing of time has only shown how right they were. For, if the cities had a certain need for Federal support to mass transit 4 years ago, then they have many times that need today. I think it is time that Members of this body accept the fact that transportation systems are too vital a part of the continued healthy growth of urban centers for their future operations to be governed solely by their ability to show a profit. Return on investment cannot and must not outweigh the social dividends which all of our citizens receive from good public transportation.

The passage of this bill is especially important at this time, since any further increase in transit fares or curtailment of needed commuter services works undue hardships on citizens earning less than \$4,000 a year. As industry and businesses move to the suburbs, the tragic isolation of the inner-city ghetto increases, resulting in the most pressing need for low cost, efficient mass transit systems to take the people to the jobs they so desperately need to survive.

If existing commuter lines are allowed to collapse from financial weakness, severe hardships will result. The thousands of commuters who depend on these services to get them to and from work will be left stranded. And, in addition, these commuter lines will be far more costly to rebuild in the future than they would be to preserve today.

Finally, this is not a case where, because of urgent needs in cities like Chi-

ago, urban dwellers are looking to the Federal Government because their local communities are not doing their part. For, up until now, the burden of maintaining these essential commuter services has fallen entirely upon the State and local government and their inadequate tax sources. The cities, already pressed to financial limits, cannot afford to carry the burden alone. I believe they are now doing more than their fair share.

Mr. Speaker, the issues involved in this legislation are too important to be avoided by use of a parliamentary tactics. Acceptance of the rule on H.R. 6452 will allow us to consider legislation that has for too long been kept from consideration by the full House. The problems of the cities are truly the problems of the Nation. I urge my colleagues to vote yes on the resolution providing for debate on this important bill.

**GENERAL LEAVE**

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks at this point in the RECORD.

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

There was no objection.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. I appreciate the gentleman yielding to me.

Mr. Speaker, I should like to point out to the Members of the House that I do not like the tone of the debate today on the rule—cities versus rural areas.

Mr. Speaker, I know that we already have had two or three rules defeated this session in this House. I believe we are creating a bad precedent. I believe we should vote for this rule. Let us give the proponents of this legislation an opportunity to debate this legislation and carry it to the floor of this House. This is the only place where we can debate the legislation: On the floor of this House.

This bill has passed the subcommittee of the Committee on Banking and Currency, it has passed the full committee, it has met with their approval, and I think it would be tragic if the Members of this House voted down this rule so that we could not fully debate the merits as to whether or not the people of our cities should have operating subsidies granted for mass transit.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I would like to take this opportunity to make a few comments in support of the legislation which we now have under consideration.

The essence of the controversy surrounding the Urban Mass Transportation Assistance Act of 1973 concerns the wisdom of providing Federal assistance for local transit systems in the form of operating subsidies. Much of what is otherwise contained in the bill—particularly the overall increase of \$3 billion

in new contract authority for UMTA's capital grant program—has already been enacted into law through the vehicle of the Federal-Aid Highway Act of 1973.

As my colleagues know only too well, urban mass transit systems across the Nation have not in the past enjoyed what is commonly termed a "booming business." Since the close of the Second World War, the number of patrons utilizing local systems has steadily declined, prices and wages have soared, and accordingly, more than 230 local systems have been financially forced to cease operations. Service in many large cities has been maintained only because State and local revenues have been allotted to supplement patron fares.

With this in mind, it is extremely encouraging to review the recently issued report of the American Transit Association, which indicates that the long decline of nationwide transit patronage may be ending, and indeed may be ready for an upswing. This is, of course, based on the assumption that existing transit system will continue to remain fully operational, and has much to do with State and local efforts to assist transit systems both by subsidizing fares, and in creating innovations such as exclusive bus lanes to make mass transit more attractive to the general public. I believe it is imperative to foster this new trend, and am certain that the operating subsidies contained in H.R. 6452 will do much to accomplish this purpose.

The total amount provided in H.R. 6452 for operating subsidies is \$400 million for fiscal years 1974 and 1975. Let me stress that these funds are not a handout; on the contrary, the moneys are intended as an incentive for local systems to increase patronage—and the only known ways to accomplish that purpose are to keep fares down and to improve transit services.

We in northern Virginia, as in many other major metropolitan areas, are faced with critical problems of traffic congestion and air pollution. Public transit services can at best be termed inadequate, although this year's institution of the Metrobus service and the promise of future fixed rail facilities does brighten the picture somewhat for our daily commuters and visitors to our Nation's Capital.

However, by 1975, we will be required to comply with a stringent EPA transportation control strategy, which may although I oppose such requirements—impose parking surcharges and eliminate on-street parking in the District of Columbia. Without an established convenient and economical mass transit system, such a strategy will have a direct financial impact upon those least likely to afford it. Therefore, I believe it is imperative that we act now to assure our citizens that fares will remain within reason, and I believe the only way we can do this is through Federal operating subsidies to mass transit systems.

I urge my colleagues to join with me in supporting H.R. 6452.

Mr. QUILLEN. Mr. Speaker, I yield 3

minutes to the distinguished gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I rise in support of this rule and of this legislation.

Let me call to the attention of the Members the fact that this bill was referred to the committee on April 2, 1973, and was reported out with amendments in order to be printed on April 16, 1973. This was before we ever considered the Federal Highway Aid Act, so the money for capital improvements in this bill, which appears on page 5, is unnecessary. That can be stricken from the bill during the consideration of amendments.

Let me tell the Members this: I have been listening to Members here today talk about mass transit, who I am absolutely certain have had no experience with mass transit. I served on the South-eastern Pennsylvania Transit Authority from the time it was formed until the time I came to Congress.

We improved systems, we built bigger parking lots, we inaugurated an express bus system for the suburbs directly into the center city, and all of this was ineffective because we could not get the people out of their automobiles. They want to stay behind that wheel where they feel like a king.

Mr. Speaker, what we must do, after we spend these billions of dollars in building new transit systems, not just trying to preserve broken down transit systems, is to give to the new transit system an operating subsidy so that they can offer a lower fare and advertise and get the people out of their cars and get them into the mass transit system.

This bill provides for exactly that. The bill is for a 2-year period only, and any grants for mass transit subsidies must be approved by the Secretary of Transportation.

I can tell the Members that it is going to be pretty embarrassing for any city or State to build a mass transit system, or build it in cooperation with each other, and then find a brand new facility giving excellent service and running with a deficit.

We must give them help in getting the people out of their automobiles and onto the mass transit. I have seen the necessity for this for a period of something like 5 years.

So I urge that we pass this rule and then debate the bill, first taking the capital improvement money out which has already been provided for in the Federal Highway Aid Act, and we can come up with better mass transit systems.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I respectfully register my strong objections to this legislation now before us. For a program which was not in the budget, for a program which was not in an appropriations bill, \$800 million in Federal operating subsidies is too high a price to pay.

We are dealing here with the proposed underwriting of an estimated 1,000 local transit systems throughout the land.

What a mind-boggling proposal it is to now propose that the Secretary of Transportation take it upon himself to get involved directly in the local administration decisions of those systems, when the responsibility ought to rest where it has always been—with the local urban planners. I, for one, must opt for initiatives on the part of State and community agencies rather than see the direction of these systems steered by Washington, as would most certainly happen if we made the Federal Government accountable for moneys it would spend in this effort.

The champions of this bill would claim that a dole on the part of the Federal Government to subsidize local mass transit operating deficits would necessarily lower the fares and get the commuter out of his car and onto the bus. I question this logic and fail to see any concrete evidence of a mass exodus from the car to the bus as a result of lower fares. Whether those fares are reduced 5 or 50 cents, we still miss the target if we fail to address the problem of the suburbanite who would rather use his own personal conveyance rather than risk the generally poor service of a mass transit system. The only way we can possibly get the automobile off the road, rid ourselves of interminable traffic jams and clean the air in the process, is to make passenger service so attractive that the commuter will want to take advantage of it. Only a strong effort to combine excellent transit service with local regulatory actions will alleviate our problems.

If improved service is then wanted and needed, where do we go from here? Why do we not give the funds now available in the Federal Highway Act a chance? Remember, there are \$3 billion in new transit capital assistance funds now available plus a new flexible program for the use of urban highway funds. Capital improvements will get the automobile off the road. There must come a time for that commuter to be sitting in his car, stacked up in a traffic jam, when along comes a brand new bus, speeding past him in a new exclusive express bus lane, following a new route and schedule which taken altogether spells nothing but convenience to him and his companion commuters.

My distinguished colleagues, I am frankly fearful that, should this measure pass, we are going to lose sight of the capital improvements goal. I am fearful of the creation of a bottomless pit in subsidies, one which would be constantly pressured for increased aid to bail out the local beleaguered transit systems which are suffering under ever-increasing deficits. Money cannot alone cure the ills of operating deficits: It can, however, go a long way toward making improvements in transit service only if the local authorities are permitted to take the lead in overseeing specific measures tailor-made for that community by that community. Let us not make the grave mistake of allowing these very special needs and aspirations to be dictated

through a set of national standards promulgated in Washington.

We have billions in Federal subsidies—subsidies for dead bees, subsidies for farmers not to plant crops, and now subsidies for inefficiency in operating mass transit will be like pouring corn down a rat hole. I say no.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in opposition to the rule on this bill. The bill in its present form is not worthy of consideration by this House. It really ought to be referred to as the Fun City subsidy bill, because much of the \$800 million provided for in operating subsidies one-fourth to one-third could by the formula in the bill be given to New York City.

Let us see what the formula provides. It provides for a new categorical grant-in-aid, and we are providing for a new categorical grant-in-aid at a time when we are trying to get out of the categorical grant-in-aid business.

The formula is based on population, passenger miles, and vehicular miles traveled. It has no relationship to the efficiency of the operation of the system. It has no incentive in it to institute good management practices. It will encourage the continuation of the same inefficient practices now in effect and which have caused many systems to operate at a deficit.

There is also an obvious inconsistency in the bill. There is an inconsistency in that the distribution of operating subsidies is based on a formula in one place and in another place in the bill—I refer to section 11. It says:

Sec. 11. The Secretary of Transportation shall conduct a full and complete study and investigation of the public transportation needs of rural and other nonurban areas in the United States, giving particular attention to the needs of cities, towns, and other political subdivisions (outside urban areas) having a population of 50,000 or less.

First, the bill provides that the money shall be distributed on a formula basis while, at the same time, providing standards which should be established by the local subdivision, and not by Washington in the first instance. So, which is it? Is money to be distributed on a formal basis or based on standards set by Washington?

I think the rule should be defeated.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio, (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, it is with regret that I rise in opposition to H.R. 6452, the Urban Mass Transportation Assistance Act of 1973.

I say it is with regret because this legislation is the first official legislation of the newly created Mass Transportation Subcommittee of our Banking and Currency Committee. The members of this subcommittee, under the excellent leadership of Congressman MINISH of New Jersey, have done their best to bring to the House a bill that would help solve the problems of mass transportation.

All of us can agree that, indeed, there are problems in this particular field.

However, Mr. Speaker, it is regrettable that this bill goes far beyond what the Federal Government can accomplish at this time in history and also meet the many other high priorities that we are faced with this year and still act prudently and fiscally sound in distributing the amount of moneys available.

I find myself in full agreement with the views expressed by Congressman WILLIAM B. WIDNALL in the committee report. Congressman WIDNALL played a vital part in getting the first Mass Transit Act adopted here in Congress in 1964. I, too, voted for this first Mass Transit Act and for all extensions thereto. However, H.R. 6452 presents more problems than it solves.

I do not see how the Federal Government can begin to subsidize some transit systems to the point that the subsidized operations gain an unfair advantage over the unsubsidized systems. The present formula proposed does more than favor the few large transit systems in our country. It gives only minor encouragement for improvement and expansion.

For example, the New York City Transit System operates with a deficit greater than the combined deficits of Boston, Philadelphia, and Chicago, the three cities with the next largest deficits. Approximately one-third of the \$400 million per year authorized in this bill would be required to satisfy last year's deficit for New York City alone.

There are two additional points about this legislation that I would like to make.

First, if enacted into law with its present provisions for subsidies, it welcomes a sure Presidential veto. With this in mind, I think the prudent solution would be to return this legislation to the Subcommittee on Mass Transportation with the understanding that the subcommittee will work with the Secretary of Transportation to accomplish the goal that we all want.

Those of us who support Government grants for mass transit systems think that the goal that we should attain is better service and increased ridership at equitable fares. These incentives must be present.

Second, before the Federal Government enters the subsidized field, stronger support should be shown by local and State governmental agencies in this field. As recently as last week, the Governor of our State of Ohio and a Member of this body, explained the facts of life to the leaders of the city of Cleveland. Eighty percent Federal grants now available to the city transit system may be lost because of the lack of local initiative to provide 20 percent local funding. If this turns out to be the case and local governments and State governments do not wish to participate in any matching programs whatsoever, then I do not think it is the full responsibility of the Federal Government.

To subsidize some systems and not subsidize others, seems morally wrong to me. Any legislation from the Federal

level should encourage local governments to adopt revenue raising measures.

H.R. 6452 fails to give these incentives.

Mr. QUILLEN. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state that the gentleman from Tennessee has 6 minutes remaining.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state that the gentleman from Illinois has 9 minutes remaining.

Mr. MURPHY of Illinois. Mr. Speaker, I would hope that the minority side would use up their time so that we can finish the debate.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, as a member of the Committee on Public Works I would like to point out that the capital grant money which is provided under the Federal Aid Highway Act of 1973 would provide new buses for many small cities and small areas throughout the country, as well as new buses and subway cars for New York and other large cities. That legislation was a transportation milestone for all of our people.

Many people, from small areas and small cities, testified before our committee that they needed more buses for their mass transit systems, but that their systems are in financial trouble. In this regard, they were no different than the city of New York, whose mass transit system, like those of other large cities, are running at a deficit. We think that if we fail to recognize and understand this, mass transit will just be going to the poorhouse in a newer bus.

I do not think that any Member of the House would want to overlook the very important fact that under the subsidy program people all over this Nation will greatly benefit—the small areas in upstate New York, the large urban areas, the suburbs and the more rurally oriented small cities.

There are also some very important overriding national questions to be considered. When we talk about mass transportation by bus, subway, rail or otherwise, we are speaking of the ways in which we can find solutions to some important national problems—the problems of pollution, the fuel crisis and the unclogging of our suburban and rural highways and highway interconnections, as well as the highways and streets of urban America.

We are talking about mobility for the handicapped, the poor and the elderly. We are talking about bringing the suburban matron back to see the downtown merchant, and both of them watching new faces and activity in the central

business districts. For too many years, businesses in the central business districts throughout the country have lost customers to suburban shopping centers. This situation has led to severe deteriorations of center cities as many establishments were forced out of business, leaving empty stores and fewer people entering the areas. Adequate mass transportation can help to reverse this situation and improve the economic conditions of our cities, both large and small.

We are also talking about alleviating the energy crisis by getting people out of their cars and onto mass transit and at the same time relieving the very serious automobile caused noise and air pollution which affects every single part of our country—urban, suburban, and rural. It is preposterous to think that we can clean up our environment without addressing ourselves to the problem of the overuse of the auto and its concomitant ill effects. Recent Environmental Protection Agency decisions, implementing the Clean Air Act, would ban cars from central business districts of a number of our major cities. This situation is further exacerbated by the fuel crisis and our need to conserve our energy supplies. Unless we act quickly to decrease our fuel consumption we may find ourselves at the mercy of some Middle Eastern dictator. Mass transportation is the most logical step in resolving these problems.

So when we speak about granting subsidies, it is not just for the guy or gal who goes into the subway in New York; it is a subsidy for all the American people with some hope for the future that we can create a decent society, economically as well as environmentally. That is what is inherent in this kind of subsidy bill.

Mr. Speaker, I urge that we pass the rule and support the measure.

Mr. MURPHY of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, the main provision of this bill would authorize Federal grants to subsidize operating expenses of urban mass transit systems. This would be done on a formula basis regardless of the financial condition of the applicant. It would thus appear that the dominant need factor so commonly looked for in determining the extent of a subsidy in the various programs is conspicuously absent here.

It is often claimed that only the Federal Government can fund this program. Local governments no longer have any resources left to do so. However, during the hearings on this bill, witnesses admitted that referendums to aid mass transit systems were voted down in their States. They claimed the referendums were rejected because too much of the money was earmarked for highway projects rather than mass transit. In their opinion, bond issues relating primarily to mass transit, would be approved.

If what they say is true, the answer is simple; limit the referendums and eliminate the need for this legislation.

If they are in error, we must then ask why Federal taxpayers should have to pay for programs local taxpayers have rejected? The people in Atlanta have imposed a 1 cent sales tax upon themselves to provide for reduced fares and improved equipment. San Diego has sought to correct its problems with State aid. It is obvious that these citizens are willing and capable of solving their transit problems at the State or local level which is the government closest to the problem.

Mr. Speaker, I also want to express my concern over the Federal supervision and control created by this proposal. The urban mass transit administrator, Frank C. Herring, noted that this bill requires:

"The Secretary to make a determination that the local plan provides 'efficient, economical, and convenient mass transportation service' and that it would place mass transit operations on a 'sound financial basis'. He also acknowledged that 'to carry out this charge could immerse the Federal Government in myriad local issues relating to such matters as fare levels and structures, maintenance standards, management practices, labor work rules and practices, and the like.'

In summation he outlined the department's dilemma in this way. He said:

The paradox we are faced with is that on the one hand for the Federal Government to allocate operating subsidies without setting standards and controls would provide absolutely no assurance that the moneys were being used effectively—while on the other hand to establish controls and standards at the Federal level would require that we involve ourselves in making local decisions that we are not competent to make.

It appears to me, that providing for the Federal Government to subsidize the operations of virtually every mass transit system in the country will drain tremendous amounts of Federal revenue without assuring a corresponding benefit to the taxpayers.

Mr. QUILLEN. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SARASIN).

Mr. SARASIN. Mr. Speaker, I rise at this time to voice my support of the rule and H.R. 6452, the Urban Mass Transportation Assistance Act of 1973, with certain amendments.

The need for this legislation, which would provide funds to communities for assistance in implementing mass transit system, is becoming more obvious daily.

Reports of increasing deficits by the companies engaged in mass transit, the effects of automobile emissions on the quality of the air we breathe, the unavailability of adequate parking in our major cities, and the gasoline shortage, make congressional support of mass transit programs imperative.

The day of total dependence on the individual automobile, frequently using 300 to 400 horsepower to move one person, is no longer practical, particularly in urbanized areas such as my district in Connecticut. My own questionnaire, representing the views of thousands of my constituents, demonstrates a growing interest in improved mass transit.

To the question "Would you use mass

transportation to travel to and from work if it were convenient and economical?" An overwhelming three out of four respondents answered in the affirmative. This bill before us would be a first step toward making "convenient and economical" mass transit available for these people who desire it.

Another factor that is directly related to this is the fallacy that one must be either for mass transit or for highways and the automobile and that there is no shared ground. This is patently false and another look at the preferences reported by my constituents makes this clear.

If we provide mass transit for those desiring it and willing to use it regularly, we will automatically improve our highway transportation system by removing from the road a significant share of the traffic. Obviously, this would improve the efficiency, convenience, and pleasure of highway use for those preferring this form of movement.

The ultimate result would be to alleviate the congestion and pollution of our cities, conserve our rapid diminishing sources of energy and remove traffic from our overcrowded highways for the benefit of the motorist. With all these advantages, we should not fail to adopt this legislation.

I fully agree with those who would amend this measure to gradually reduce the Federal commitment and encourage and require local initiative. These amendments will encourage higher levels of operating efficiency and safety, for the benefit of all concerned.

Mr. QUILLEN. Mr. Speaker, I yield to the distinguished gentleman from Georgia (Mr. BLACKBURN) 1 minute.

Mr. BLACKBURN. Mr. Speaker, during the debate reference has been made to the experience of the city of Atlanta which has enjoyed a considerable increase in ridership due to a reduction in fares. I think that the experience in Atlanta is one of the strongest arguments against this bill, because the people in the area served by the mass transit systems voted voluntarily to assume an additional 1 percent sales tax on everything they bought in order to subsidize the operation of their local mass transit system.

The suggestion that the people in my district should tax themselves to subsidize their own mass transit system, while at the same time they should be taxed to subsidize mass transit systems all over the United States is grossly inconsistent and contrary to commonsense.

There is one other aspect of this matter that has not really been fully explored. I believe the gentleman from New York (Mr. Koch), touched upon it. That is the question of whether or not private firms can obtain this subsidy.

Am I right in understanding that?

The SPEAKER. The time of the gentleman has expired.

Mr. BLACKBURN. I am against it.

Mr. QUILLEN. Mr. Speaker, I yield to the gentleman from California (Mr. Don H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, there is one point that ought to be made in this discussion inasmuch as the Committee on Public Works has been referred to by previous Members. By advancing or adopting the operating subsidies concept included in this bill, we would find ourselves in direct competition with the funds already authorized in the Federal-aid highway and mass transit legislation, to meet the contract obligation requirements for construction of the mass transit systems. With the fiscal and budgetary limitation we have, this must be taken into consideration if we are to move toward accelerating the construction timetable of our mass transit system. Also, we should move in the direction of creating a third trust fund, an Urban Mass Transportation Trust Fund, that would help the communities develop a more positive and dependable method of finance. In this way, we can coordinate, integrate, and balance our total transportation systems by coordinating the Urban Mass Transportation Trust Fund with the Highway Trust Fund and the Airport-Airways Trust Fund.

Mr. QUILLENN. Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, at this time I yield to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I recall when the Congress was a great debating society. We had not reached the system we have now, where I believe this year 10 rules have been defeated by Members getting up on the floor and saying, "I am opposed to the bill, and I want to extend my remarks," and then sitting down, and later putting something in the RECORD for home consumption. We have already seen that happen about 10 or 12 times today.

Yet the members of the Banking and Currency Committee voted 22 to 3 to favorably report out this bill. They are the ones that know the merits of the bill.

The gentleman from Atlanta (Mr. BLACKBURN) has asked two or three times if private firms get any money from this bill.

Let us go into the debate of the bill and argue its merits. Then we will learn whether private firms get any money or do not get any money, or whether they are entitled to the money or are not entitled to it.

I have been in this Congress many years and I can remember one or two people getting up on the floor ridiculing and degrading the farm program or the soil bank program or the conservation program or the water system program. But there was a greater sense of fairness in the House in those days. Instead of voting down the rule we would listen to the arguments. We admired and respected the men on the committee who had spent 2 or 3 months faithfully attending to their duties and reporting out the legislation.

In 1972, the Department of Transport CXIX—2066—Part 25

tation's national transportation report supported the concept of operating subsidies to State and local governments—I think 39 of these governments are in favor of this concept—but do we want to shut off the debate by voting down the rule? I do not think it is fair to the Banking and Currency Committee or to Mr. MINISH's subcommittee which worked so hard on this bill.

When a gentleman gets up and says we know the arguments and we know it is bad legislation, I have to reply I do not know whether it is bad legislation nor does the gentleman, because we have not heard the arguments and we do not know the merits. The opponents claim that only the large cities will get the money from the urban mass transit bill. Let me say if it were not for the taxpayers of the large cities there would be no cities with middle-sized populations and with these large beautiful highways running through and around them, so I think it is only fair that we should consider the work and the research the committee has done, and I think it is high time for this rule to be adopted so we can listen to the debate on the legislation itself.

Mr. Speaker, I urge adoption of the rule.

Mr. MURPHY of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. QUILLENN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, with respect to the unusual number of rules that have been defeated in the House thus far in this session of the Congress, and I hope this will be another the House spoke its will on those rules. A majority of the Members of the House said that the Rules Committee was wrong in bringing those rules and the bills they made in order to the House floor. There is nothing wrong with that. That is the democratic process at work on the floor of the House.

This legislation represents a special-privilege bill for a few large cities, and especially the city of New York which it has been stated will get a quarter of the hundreds of millions of dollars to be authorized by this bill. It ought to be defeated.

I suggest that if the bill is approved we should take the torch from the hand of the Statue of Liberty and replace it with a tin cup.

Mr. QUILLENN. Mr. Speaker, in closing the debate on this side I would like to say that this bill was reported out of the fine House Committee on Banking and Currency prior to the action on this floor on the Federal aid to highways bill. When the proponents brought this bill to the Rules Committee for a rule, I remember distinctly the conversations of some of the Members stating that this bill would not be necessary if mass transit was included in the Federal aid to highways bill.

So, Mr. Speaker, we ought to vote down this rule. It is a bad bill.

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

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

Mr. MURPHY of Illinois. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, yesterday afternoon I left Washington to go out to speak at a banquet convention of the savings and loans in my Indiana congressional district. This morning, I tried to get a 9 o'clock plane, and I had to drive through the so-called big freeway, the Dan Ryan, because it was congested with trucks and automobiles, bumper to bumper on the main streets and city freeways on the north side of Chicago. It is the same way on all the streets of Chicago. Similar congestion existed on the streets and highways in the industrial Calumet region of Indiana.

In my district, there are employees in the industries—steel mills, oil refineries, and about 100 other industries—who arrive late to work in the morning and home in the evening on account of congested traffic. That traffic is caused by people locally and people driving transcontinentally through that Chicago area.

Seventy-one percent of the population of this country live in urban areas. We are going to hear from some of these people in urban areas if this mass transit bill is defeated. We will hear from them at the election in November 1974. Traffic congestion in San Francisco, Los Angeles, Chicago, Des Moines, Indianapolis, Miami, Seattle, New Orleans, New York, Washington and other urban areas is one of the great problems that we are facing in this country today.

Believe me, my colleagues, funds set out in this bill should have been tripled or quadrupled to help urban centers' transportation problems.

Drastic traffic conditions exist in every metropolitan city in this country, so it is time for the Federal Government to aid cities where this condition is caused by transcontinental as well as local traffic.

Some Member over there threatened a veto if this small subsidy is passed to help relieve this situation. When I was home during the August recess I spent many days in my district offices listening to people coming in and complaining about Presidential vetoes over the last 4 years. I attended a hospital gathering where there were 30 people representing all the local hospitals. They were cussing the vetoes, the vetoes of hospital expansion bills back in 1970 and 1971. They were criticizing the President for those vetoes and for the impoundments.

We defeated the highway bill here before we adjourned last November. Had that passed, we would be on our way probably to relieving this traffic congestion situation.

But, bear this in mind: Some of the people opposing this bill have been voting for years for a \$3 1/2 billion bonanza subsidy for the farming area, and we discovered that about 90 percent of the \$3 1/2 billion going in six figures to about

400 or 500 large farm operations; and they will not spend \$400 million a year for 2 years to help the cities to relieve the congestion in the traffic.

Why, my good friend, Congressman Gross of Iowa just spoke against this mass transit bill. Two years ago I drove from Chicago out to Omaha, and I went through Congressman Gross' area, and congressional district. You can shoot a cannon down any highway out there and it would be a miracle if you hit an automobile or a truck.

We in the traffic congested area of the Nation need this small subsidy to get at least some help on our transportation troubles.

I hope this mass transit rule is passed by a large majority.

Mr. MURPHY of Illinois. 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. MINISH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 131, not voting 21, as follows:

[Roll No. 491]

AYES—282

Abzug	Cotter	Haley
Adams	Coughlin	Hamilton
Addabbo	Cronin	Hanley
Alexander	Culver	Hanrahan
Anderson, Calif.	Daniel, Dan	Harrington
Anderson, Ill.	Dominick V.	Hawkins
Andrews, N.C.	Danielson	Hays
Annunzio	Davis, Ga.	Hechler, W. Va.
Archer	Davis, S.C.	Heckler, Mass.
Armstrong	de la Garza	Heinz
Ashley	Delaney	Heilstoski
Aspin	Dellums	Henderson
Badillo	Denholm	Hicks
Barrett	Diggs	Hogan
Bell	Donohue	Holifield
Bennett	Downing	Holtzman
Bergland	Drinan	Horton
Bevill	Dulski	Howard
Blaggi	du Pont	Hungate
Blester	Eckhardt	Ichord
Bingham	Edwards, Calif.	Johnson, Calif.
Boggs	Elberg	Jones, Okla.
Boland	Evans, Colo.	Jones, Tenn.
Bolling	Evins, Tenn.	Jordan
Brademas	Fascell	Karth
Brasco	Fish	Kastenmeier
Breckinridge	Fisher	Kazan
Brooks	Flood	Kemp
Brotzman	Foley	Koch
Brown, Calif.	Ford,	Kyros
Brown, Mich.	William D.	Lehman
Brown, Ohio	Forsythe	Lent
Broyhill, Va.	Fountain	Litton
Buchanan	Fraser	Long, La.
Burke, Calif.	Freilinghuysen	Long, Md.
Burke, Mass.	Fulton	Lott
Burlison, Mo.	Fuqua	McClory
Burton	Gaydos	McCloskey
Butler	Gettys	McCollister
Byron	Giaimo	McCormack
Carey, N.Y.	Gibbons	McDade
Carney, Ohio	Gilman	McFall
Casey, Tex.	Ginn	McKay
Chappell	Gonzalez	McKinney
Chisholm	Grasso	McSpadden
Clark	Gray	Macdonald
Clay	Green, Oreg.	Madden
Cleveland	Green, Pa.	Mahon
Cochran	Griffiths	Mailliard
Collier	Grover	Mann
Collins, Ill.	Gubser	Maraziti
Corman	Gunter	Martin, N.C.

Mathias, Calif.	Randall	Stubblefield
Mathis, Ga.	Rangel	Stuckey
Matsunaga	Rees	Studds
Mazzoli	Reid	Sullivan
Meeds	Reuss	Symington
Metcalfe	Riegle	Talcott
Mezvinsky	Rinaldo	Teague, Tex.
Minish	Rodino	Thompson, N.J.
Mink	Roe	Thone
Minshall, Ohio	Rogers	Thornton
Mitchell, Md.	Roncalio, Wyo.	Tiernan
Moakley	Roncalio, N.Y.	Treen
Mollohan	Rooney, N.Y.	Udall
Montgomery	Rooney, Pa.	Ullman
Moorhead, Pa.	Rose	Van Deerlin
Morgan	Rosenthal	Vanik
Mosher	Rostenkowski	Vigorito
Moss	Roush	Walidie
Murphy, Ill.	Ruppe	Walsh
Murphy, N.Y.	Ryan	Ware
Natcher	St Germain	Whalen
Nedzi	Sarasin	Whitehurst
Nichols	Sarbanes	Wiggins
Nix	Schroeder	Williams
Obey	Seiberling	Wilson, Bob
O'Hara	Shipley	Wilson, Charles H.
O'Neill	Shriver	Calif.
Owens	Sikes	Wilson, Wilson
Parris	Sisk	Charles, Tex.
Patman	Skubitz	Winn
Patten	Slack	Wolff
Pepper	Smith, Iowa	Wright
Perkins	Smith, N.Y.	Wyatt
Peyser	Staggers	Wyder
Pickle	Stanton,	Yates
Pike	James V.	Yatron
Poage	Stark	Steed
Podell	Steele	Young, Ga.
Preyer	Steeleman	Young, Ill.
Price, Ill.	Steiger, Wis.	Young, Tex.
Price, Tex.	Stephens	Zablocki
Pritchard	Stratton	

NOES—131

Abdnor	Flowers	O'Brien
Andrews, N. Dak.	Flynt	Passman
Arends	Ford, Gerald R.	Pettis
Ashbrook	Frenzel	Powell, Ohio
Bafalis	Frey	Quile
Baker	Froehlich	Quillen
Bauman	Goldwater	Rarick
Beard	Goodling	Regula
Blackburn	Gross	Rhodes
Bowen	Guyer	Roberts
Bray	Hammer-	Robinson, Va.
Breax	schmidt	Robison, N.Y.
Brinkley	Braeux	Rousselet
Broomfield	Brarska	Ruth
Broyhill, N.C.	Hastings	Satterfield
Burgener	Hillis	Saylor
Burke, Fla.	Hinshaw	Scherle
Burleson, Tex.	Holt	Schneebeli
Camp	Hosmer	Sebelius
Carter	Huber	Shoup
Cederberg	Hudnut	Shuster
Chamberlain	Hunt	Snyder
Clancy	Hutchinson	Spence
Clausen,	Jarman	Stanton,
Don H.	Johnson, Pa.	J. William
Clawson, Del	Jones, N.C.	Steiger, Ariz.
Cohen	Keating	Symms
Collins, Tex.	Ketchum	Taylor, Mo.
Conable	King	Taylor, N.C.
Conlan	Kuykendall	Teague, Calif.
Conte	Landgrebe	Thomson, Wis.
Crane	Landrum	Towell, Nev.
Daniel, Robert W., Jr.	Latta	Veysey
Davis, Wis.	Lujan	Waggoner
Dellenback	McEwen	Whitten
Dennis	Madigan	Widnall
Dermwinski	Mallary	Wylie
Devine	Martin, Nebr.	Wyman
Dickinson	Mayne	Young, Alaska
Dorn	Michel	Young, Fla.
Duncan	Milford	Young, S.C.
Edwards, Ala.	Miller	Zion
Erlenborn	Mitchell, N.Y.	Zwach
Eshleman	Mizell	
Findley	Moorhead,	
	Calif.	
	Nelsen	

NOT VOTING—21

Blatnik	Hansen, Wash.	Mills, Ark.
Conyers	Hébert	Roy
Dent	Johnson, Colo.	Runnels
Dingell	Jones, Ala.	Sandman
Esch	Kluczynski	Stokes
Gude	Leggett	Vander Jagt
Hanna	Meicher	White

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Conyers.  
Mr. Hébert with Mr. Mills of Arkansas.  
Mr. Dingell with Mr. Roy.  
Mrs. Hansen of Washington with Mr. White.  
Mr. Blatnik with Mr. Jones of Alabama.  
Mr. Esch with Mr. Runnels.  
Mr. Hanna with Mr. Vander Jagt.  
Mr. Kluczynski with Mr. Melcher.  
Mr. Leggett with Mr. Stokes.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. 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. 6452) to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN).

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. 6452, with Mr. McFALL in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from Michigan (Mr. BROWN) will be recognized for 1 hour.

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

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

Mr. Chairman, H.R. 6452, the Urban Mass Transportation Assistance Act of 1973, represents the effort on the part of the Committee on Banking and Currency to provide the much needed assistance for our urban mass transportation systems if this Nation is going to meet its commitments to provide the adequate transportation for its citizens who live in our urban communities. In all our past mass transportation legislation, we have always cited the need for the Congress to provide the financial assistance to permit urban mass transportation to meet its capital requirements in order to purchase new rolling stock, transportation rights of way, and other new equipment and funds for new research and demonstration of new transportation techniques. We were, in most cases, providing the financial assistance to modernize and update the urban mass transportation needs of mainly our larger cities. Now, Mr. Chairman, the situation has changed. Most smaller medium-sized

cities face a public transportation crisis today. Private bus companies are fast becoming few and far between and the smaller medium-sized cities are being forced to run these bus companies by their own means. Private companies could not afford continuing deficits which result in the decline of ridership and the managerial neglect of the various companies. We are now faced with a greater problem with the emerging energy crisis and the strict Environmental Protection Agency air quality guidelines which in many of our cities are either forcing the private automobile out of use or will severely curtail the use of the private automobile in many of our cities. H.R. 6452 in particular would redress the problems that are emerging from the energy crisis and the EPA air quality guidelines. This bill would provide, for the first time, operating assistance to the urban mass transportation systems. It would authorize \$800 million over the next 2 fiscal years to urban mass transportation systems. These grants would be made on a formula based on the system's population, revenue passengers carried and vehicle miles travelled in relation to the overall population of the country, revenue passengers carried by the mass transportation systems and vehicle miles travelled by the mass transportation systems. This proposal to provide operating assistance has been before the Congress for the past 3 years and has not been considered on the floor of the House until this moment. It is urgently needed.

I am sure that most Members have heard from their districts and the various communities served by urban mass transportation systems on the need for a Federal operating subsidy.

Mr. Chairman, there are a number of other provisions in this bill, some of which were contained in the Federal Aid to Highways Act, and a number of provisions that will be explained by the distinguished chairman of the Urban Mass Transportation Subcommittee, Mr. MINISH of New Jersey.

Mr. Chairman, I urge all Members to support this bill and I reserve the balance of my time.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. MINISH) such time as he may consume.

Mr. MINISH. Mr. Chairman, the percentage of Americans living in large cities and their surrounding suburbs has grown dramatically in recent years to the point where today more than 70 percent of our citizens reside in urban areas.

Despite this continually growing urbanization of our society, mass transit patronage today is less than a third what it was 25 years ago, and the mass transit industry serves 10 billion fewer riders annually than it did 20 years ago. Bus ridership in my own State, the most densely populated of all our States, is down 25 percent in the last 10 years.

These passengers are not lost. Rather, they are riding in cars, most one to a car.

They must be attracted to mass trans-

sit if we are to have any hope of dealing effectively with the problems of pollution, land use, congestion, and the energy crisis. They can be attracted to mass transit if the Federal Government will assume a partnership role with the States and localities in working for convenient, cheap, attractive mass transportation.

Fortunately, the one-man one-car concept of transportation is now recognized by all reasonable persons as the most expensive and the most environmentally damaging means of moving people to and from their homes, places of employment, and the marketplace. Yet in spite of the tremendous cost and the social damage, billions of dollars have been spent to facilitate auto traffic, while a relative handful of dollars have been directed to meaningful alternative systems of transport.

While it is true that the Federal commitment to mass transit has increased in recent years and under the recently enacted highway law will increase further in the future, it is also true that even under this year's budget only 6 cents of each transportation dollar would go to mass transit, while 57½ cents would be spent for highways. Keep in mind also that all the mass transit money, including that which will be freed from the trust fund in the future, is for capital needs, not for operating assistance.

We must recognize here in the Congress, as so many of our mayors, councils, Governors, and State legislatures have, that the age of the farebox paying for the total operating costs of public transportation has passed.

We must come to see transit as a vital public need and we must support it in the same manner as we support education, police, fire, and other essential public services.

The heart of the legislation we bring before you today is section 2, Federal operating assistance for mass transit. The Congress recognized the possibility of Federal operating subsidies for mass transit when, in the Urban Mass Transit Act of 1970, it directed a study of the matter by the Department of Transportation.

The Secretary of Transportation in the 1972 National Transportation Report stated that—

The Department supports making funds available to States and local governments for general public purposes or for general transportation purposes, including operating subsidies, so that a State or local government could determine locally how the funds would be used.

H.R. 6452 authorizes \$400 million in each of the next 2 fiscal years for operating assistance grants to the Nation's mass transit systems.

In order to receive these operating funds, a mass transit system would be required to submit to the Secretary of Transportation for his approval a plan for comprehensive improvement of operations and services.

The required plan would set forth a program for providing more efficient, economical, and convenient mass trans-

sit service and for placing mass transit operations on a sound financial basis. The Secretary is further empowered by this section of the legislation to issue such regulations as he deems necessary to administer the operating assistance program in an equitable manner, and to develop criteria for evaluating applications for assistance under this new program comparable to criteria presently employed by the Department in the awarding of capital grants.

In addition, in order to receive an operating grant, a mass transit system would have to provide half fares for the elderly and the handicapped during off-peak hours.

Operating assistance would be distributed according to a formula with the following three criteria assigned equal weight: population of the area in which the mass transit system operates, the number of passengers carried by the system, and the number of miles covered by the system. The formula is designed to serve all transit systems and all areas of the country in an equitable manner. It would prevent the undue concentration of operating funds in any one section, State, or urban area.

The simple device of basing payments for operating assistance partially on the number of revenue passengers carried by a mass transit system provides an incentive that would help insure improved management and improved service to patrons.

The funding authorization in H.R. 6452 is at an extremely reasonable, even modest, level in view of the demonstrated need for assistance to this country's mass transit systems. The bill, as I stated, authorizes \$400 million for each of two fiscal years, 1974 and 1975, for operating aid to mass transit systems. However, last year in the United States mass transit accumulated a total deficit of some \$513 million and it is estimated that this year's operating deficit will run to perhaps \$650 million.

Some may disagree with my description of the money authorized in this legislation as prudent. But, I cannot emphasize too strongly that these costs are as nothing compared to the heavy economic and social costs of continued over-reliance on the automobile and continued neglect of mass transit.

Moreover, the Federal funds authorized to be appropriated under this legislation represent an investment which will be returned many times over in energy savings, pollution elimination, and the easing of traffic congestion.

Mr. Chairman, to meet the recently issued clean air standards, a great number of metropolitan areas throughout the country will be compelled to restrict, in various ways, automobile travel. In a very real sense, the Environmental Protection Agency's pollution control regulations present mass transit systems with a unique opportunity to improve and to expand their operations. However, without substantially greater government aid, including Federal operating subsidies,

mass transit will be unable to take advantage of this opportunity.

Nationwide, cars contribute 50 percent of all air pollution, with the figure going as high as 90 percent in some cities. The health effects of this pollution have been demonstrated. Persons with heart disease and respiratory ailments are affected most severely, but even the healthiest of individuals suffer some ill effects from air pollution.

In my own State of New Jersey, there exists one of the most serious problems of air pollution in the country. New Jersey is home to 7 million people and over 3 million cars, making it the most densely populated State for both categories. The auto causes almost 70 percent of our State's pollution problem.

Consequently, the EPA plan for New Jersey calls for a reduction of up to 68 percent in private auto travel by 1977 to meet the national ambient air standards set by the Clean Air Act. To make these demands on motorists in New Jersey and other areas, a viable alternative means of transportation must be made available to them.

Compared to the automobile, mass transit enjoys an enormous advantage in terms of pollution levels. When the various pollutants emitted are scaled according to volume and toxicity, the diesel bus enjoys a 25 to 1 advantage over the auto, while for electric transit cars the advantage is nearly 40 to 1.

Improved transit therefore is, as it must be, a major component of the air quality plans prepared to meet the Clean Air Act Standards.

In fact, improved mass transit service is vitally needed if the required reduction in private auto traffic is not to result in a breakdown of mobility in our urban areas—a breakdown which would have severe economic consequences for the Nation as a whole.

As Mr. John Quarles, Acting Administrator of the Environmental Protection Agency, stated in an appearance before the Mass Transit Subcommittee on July 30 of this year:

If we are going to maintain our economic and social well-being, we are going to need relatively non-polluting alternative modes of transportation to provide us mobility comparable to what the automobile has offered us. In this regard, mass transit is the ideal surrogate.

It is significant to note that EPA representatives, in a number of recent cases, have formally opposed requests for fare increases by mass transit operators. They have been saying, correctly I believe, that our national goal of cleaner air demands that mass transit fares not rise to the point where ridership declines. It seems to me, however, that the Federal Government in this instance has a moral responsibility to do more than simply tell mass transit "do not raise the fare." We must be willing to back up this rhetoric with Federal operating subsidies to help mass transit stabilize and even lower fares in order to attract people out of their cars and on to mass transit.

The American Transit Association has determined that, in order to comply with EPA standards, 9,015 additional buses

and 500 rail vehicles will be required by 1975 at a cost of \$509 million. In addition, it has been estimated that the EPA pollution standards will result in an increase in operating costs of \$347 million annually. These figures, I should point out, do not include the projected impact for New York City or Chicago which were not available when the survey was completed.

When you take into account that the transit operating deficit was \$513 million in 1972, that it is projected to be close to \$650 million in 1973, it becomes evident that compliance with EPA standards will push the mass transit operating deficit well over the three quarters of a billion dollar mark each year.

In terms of energy consumption, mass transit once again is greatly preferable to the private auto. Buses, for example, are four times more energy efficient, based on passenger miles per gallon, than cars. Today, about 75 percent of all gasoline is consumed by the automobile. Yet the average occupancy of cars during rush hours is less than 1½ passengers per car. In some urban areas the private auto is responsible for 83 percent of all transportation energy requirements.

Overall, passenger cars today use nearly 4.3 million barrels of oil daily or 30 percent of our total consumption. By 1985, if present trends continue, automobiles will consume 7.4 million barrels of oil daily.

Bear in mind that cars effectively utilize only a small percentage of the potential energy from the fuel they burn—the rest is wasted. Rather than continue this waste of energy, we should offer commuters and other travelers an efficient, safe, and economical alternative to the automobile.

Fuel is the second largest component of mass transit operating costs, constituting approximately 3 to 4 percent of total operating costs. Mr. Frank Herringer, Urban Mass Transit Administrator, conceded in testimony before the Mass Transit Subcommittee on July 26, 1973 that:

It can be said that the net effect of the fuel supply problem is that higher prices must be paid for diesel fuel when contracts are negotiated.

According to the National League of Cities—United States Conference of Mayors:

Cities and their transit authorities have been refused bids on diesel fuel contracts, have had deliveries curtailed or cut off and have had to enter contracts at a dramatic increase in price. Some cities have been unable to contract for an assured supply, quantity, or price for their fuel needs. The irony of the situation is that mass transit is faced with a crisis situation already, yet cities are now being called upon to provide additional alternatives to the automobile.

Beyond the energy and environmental issues, mass transit improvements through the extension of Federal operating aid will have beneficial results in reducing congestion, contributing to more efficient land-use patterns, and meeting the mobility needs of all elements of our society.

With regard to land utilization, already some of our cities have had half their land area concreted over for roads and parking lots. We are losing nearly 130,000 acres annually to new highways and airports. Mass transit can alleviate this situation by eliminating some of the need for additional roads and parking facilities and by checking the sprawl which has developed around so many of our cities.

In this connection, I should mention section 6 of our bill which authorizes financial assistance under the Urban Mass Transportation Act for the establishment of public or quasi public transit corridor development corporations and expands the definition of facilities and equipment eligible for financial assistance to include the area within the entire zone affected by the construction and operation of transit improvements including station sites.

The purpose of this section is to encourage more socially, economically, and environmentally sound patterns of land use in the areas immediately adjacent to transit corridors and station sites. This section, I believe, will help to prevent hodgepodge development and environmentally unsound land speculation along transit corridors and near stations.

Mr. Chairman, we should not overlook the fact that, for millions of Americans, mass transit is not an alternative mode of transportation—it is the only mode. High fares caused by high operating deficits work the greatest hardship on persons with low and moderate incomes—the very persons who are most dependent on public transportation to get to work and back home again.

Lack of mobility is an especially critical problem for the elderly and the handicapped who too often live a life of solitary confinement, segregated from their family and friends, community activities, and employment opportunities.

I am pleased therefore that H.R. 6452 contains a provision requiring any urban mass transportation system receiving assistance under the operating subsidy program to provide the elderly and the handicapped with half fares during non-peak hours. For the purposes of this provision elderly are defined as individuals 62 years of age or over.

Contrary to the popular belief that subsidies would put the public purse in severe danger of falling into a "bottomless pit," experience shows that subsidies in fact can produce increased ridership, lower fares, stable or declining deficits, and improved service.

Atlanta passed a regional sales tax to subsidize mass transit.

Fares were lowered from 40 cents to 15 cents and patronage increased by 30 percent. More than 32,000 former auto drivers and passengers in the Atlanta area are now riding public transit each workday.

Tulsa's transit system, with a subsidy from the city, reduced its transit fares this year from 55 cents to 25 cents and ridership has increased by 13 percent so far.

For several years, the city of San Diego has subsidized their bus company from

levy on the property tax. When the State of California enacted a mass transit operating subsidy, the city reduced its fare from 40 cents to 25 cents, resulting in a 72 percent increase in patronage.

As a dramatic example of how subsidies may be successfully employed, we would point to the Shirley Highway project right here in the Washington area. This exclusive busway provides an average travel time of 14 minutes by bus in comparison with a 37-minute auto travel time on the normal lanes. As a result of this higher quality of service, the market share of bus passengers has increased from 20 percent of all passengers before the exclusive busway to over 50 percent at the present time. There has been a decline of about 5,000 cars each weekday on the road, mostly during rush hours.

At this point, Mr. Chairman, let me briefly outline the other provisions of H.R. 6452 which I have not yet touched upon.

First, I should point out that certain sections of H.R. 6452 were enacted into law as part of the highway bill Public Law 93-87. Therefore, I shall move to strike these sections from the bill in the Committee of the Whole.

Section 5 requires an applicant for Federal mass transit assistance to establish a Mass Transportation Advisory Council.

I am opposed to this section because it will result in needless delay in the delivery of vital mass transit aid. I expect that an amendment will be offered to delete section 5.

Section 7 requires model cities transit programs to comply with the labor provisions of the mass transit law.

Section 10 would strike the existing loan provision in the capital grant program of the Urban Mass Transportation Act. This is merely an effort to "clean up" the law as the loan provision has fallen into almost complete disuse in recent years. In the few cases where loans have been extended, they have been subsequently paid off with a grant.

Section 11 requires the Secretary of Transportation to conduct a full and complete study of the public transit needs of rural and other nonurban areas of the United States. The Secretary is directed to give particular attention to the needs of communities of 50,000 or less in population.

In connection with section 11, it must be emphasized that the crisis in mass transit today extends beyond the borders of big cities and large metropolitan areas. In recent years, there has been an almost total breakdown of private bus companies in small and medium size communities. These small localities, in many cases, do not have the financial ability to purchase and run a bus company.

Those which have assumed the operations of the private transportation system simply are unable to meet the increasing cost of subsidizing operating deficits.

Although deficits are greatest in large cities, it is in the small and medium size cities where the problem is greatest. The

number of these smaller cities trying to continue to operate a public transportation system with no future assurance of the needed local funds to continue subsidizing public transit systems is growing. The issue of Federal operating assistance, therefore, is most critical for these communities. While the deficits of cities like New York are indeed large the operating aid provisions of H.R. 6452 would by no means meet that city's total deficit.

On the other hand, smaller cities would have much of their total annual deficits covered by operating grants.

State and local governments have, in recent years, strongly indicated their willingness to meet the costs necessary to build, improve, and operate mass transit.

During the past decade, voters in Atlanta, Des Moines, New Orleans, Columbus, Salt Lake City, Duluth, San Diego, Oakland, Dayton, Miami, and other cities have approved proposals for self-taxation to meet both the capital and the operating costs of mass transit. All told, over 140 communities are already providing operating assistance enabling transit systems to continue their operations.

It is apparent, however, that this present contribution by already overtaxed localities in no way guarantees a stemming of the tide of financial difficulties besetting transit operations.

States and local governments are providing to their maximum financial capacity the money necessary to subsidize transit operating deficits. They cannot be expected to bear the burden of mass transit operating aid alone. The Federal Government must assume a partnership role with the other levels of government if we are to achieve a quality, low-cost system of mass transit in the United States.

As President Nixon said in his 1973 message on transportation:

Nothing can do more to lift the face of our cities and the spirit of our city dwellers, than truly adequate systems of modern transportation. . . Good public transportation is essential not only to assure adequate transportation for all citizens, but to forward the common goal of less congested, cleaner, and safer communities . . . effective mass transit systems that relieve urban congestion will also reduce pollution and the waste of our limited resources.

Mr. Chairman, transportation systems are too vital a part of the continued healthy growth of urban centers for their future to be governed solely by balance sheet considerations.

We should face the fact that good urban transit service is a matter of public responsibility like education or police protection which provides benefits not just to the individual consumer, but to the well-being of the entire economy.

A realistic appraisal of our Nation's current transit needs leads inevitably to the conclusions that the farebox alone cannot support the operation of transit, that the States and localities are already doing their part to subsidize these operations, that improved public transport is essential to deal with the national prob-

lems of congestion, pollution, land use, and the energy crisis.

Mr. BROWN of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in view of the debate that has been held on the rule, I question whether any great purpose would be served by using the full 2 hours of general debate. I likewise would suggest, and I am sure most would agree, that probably the minds of most have already been made up on the whole question of operating subsidies. By and large Members are either 100 percent for or 100 percent against the whole concept of operating subsidies.

The administration is opposed to another grant-in-aid category program of operational subsidies.

I will be offering, when we commence reading the bill for amendment, an amendment which I think cuts a fairly decent balance and which requires local communities if they are to receive Federal assistance to make an effort on their own to subsidize the operations of their mass transit systems. It will incorporate some other changes.

I think probably an approach such as I will suggest in my amendment has a better chance of receiving the necessary Executive approval, should the legislation pass, than the bill as it is presently drafted.

Without belaboring the whole question of operating subsidies, since that is the real meat of this bill, any further, I yield at this time 5 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, I do not think after the debate we have had on the rule that there is much time that has to be spent discussing the need for mass transportation.

This bill and the whole concept of foundation for mass transportation is an argumentative issue. We have heard from both sides, that this would open a tremendous Pandora's Box that we would be continually filling with larger and larger appropriations as time goes by. But, I would suggest that in this day and age of an energy crisis, with a purported 200,000 gallon shortfall of fuel each day this winter; with the pollution problems we are faced with across the country, we do have to face up to the problem of mass transportation and the equally difficult problem of getting the American out of his car and into some mass transportation method.

Therefore, when this bill comes before us and is read, I will offer two amendments. The first amendment will take the subsidy program and put it into the form of a declining subsidy. My reason for doing this is very simple. I think we suffer in mass transportation from a "chicken and egg concept". In other words, we cannot get people to ride buses if the buses are no good. We cannot get them to ride trains if they are still the trains we were riding in 1925. We cannot get them to ride buses if they remain stuck in the same traffic their cars were.

When the Shirley Highway experiment was authorized by the Department of Transportation running from Virginia to

this city, a declining subsidy basis was used by this very administration, under the basis that the product had to be there and the load or the financial problems of the product had to be taken care of until such time that enough people would decide it paid them to ride the bus rather than drive their cars.

The other part of my amendment will demand local participation, but local participation in a very specific way. Local participation that cannot take into account any local money, State or local, that is already appropriated; nor can it take into account any revenue that is now presently received from the fare box.

In other words, it will require a matching local contribution from new sources that will grow from one-ninth of the Federal allocation in the first year, to one-third of the Federal allocation in the second year, to one-half of it in the third year and three times the allocation in the fourth year. That will be the end of the Federal allocation of operating subsidies.

This would give the hard-pressed cities, in particular, the chance to take advantage of what Federal funds there are for capital equipment to start their runs; to be helped with the financial burden until such time as the ridership should come along and support it on its own merits, and the communities will be able to then carry on with their part of the bargain from that point.

The second amendment I am going to offer somewhat disturbs me. This would be an amendment to strike the clause in the bill on the advisory councils. This seems a little strange for me to be putting in this amendment, because I was the sponsor of the advisory council amendment in the State of Connecticut for the Connecticut Transport Authority, to which I belong. But it seems to me that in this particular bill what we are problematically setting up within any community, particularly in the case of the departments that run transit districts, is a tremendously argumentative local process.

We are going to end up in a continual argumentative process as to whether a bus runs down Broad Street, down Seaview Avenue, or out Stratford Avenue, a continual process of local arguments where local citizens come up to fight basically on a subject about which we, and particularly they, know little about.

We already require full participation under Federal law and in this bill, through distribution of money specifically. Within 4 years the localities are going to have to support the system themselves. It seems to me that they are far better qualified and in far better position to set forth through any type of a mayor's council or transportation organization that the State may have, the type of routes that are in a position to sustain a bus system that will not only not cost the Federal taxpayer unnecessary money, but which they realize they will have to support upon their own within a period of 4 years.

I believe we are way past the point of where we can further confuse the mass transportation system.

Even where we have roads, should we have gasoline to drive down them, our roads, particularly in the crowded Northeast, do not work properly. It is getting to the point now that it almost takes as long as it took 20 years ago to get from point "a" to point "b" in our crowded cities.

It seems to me we have to help our cities by a declining subsidy program. This is a program which will give them an incentive to get started, but will phase down to the point of zero in 4 years; they will have to come forward with a reasonable plan, a positive plan of approach, because they will know the city or governmental unit will have the burden of the entire project in a period of 4 years.

In other words, the Federal Government will be doing what it so often does, which is helping to get a project started by saying to the community, "If you really want the money, if you really want the project, design it so that it can become self-sustaining and so that you can afford it yourselves in the future."

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, I rise in support of the bill, H.R. 6452, the Urban Mass Transportation Assistance Act of 1973. This bill represents an effort by the Committee on Banking and Currency to assist urban mass transportation by providing for the first time operating assistance so that our urban mass transportation systems around the country may obtain much needed Federal financial assistance to meet their operating deficits. Similar provisions were contained in last year's housing and urban development bill which failed to get a rule last October. Operating assistance was needed last year and is now needed by our cities today more than ever.

Mr. Chairman, the issue that the House must resolve today is the question whether the Federal Government for the first time should provide a subsidy for the operations of urban mass transportation. Urban mass transportation today is no longer an alternative means of transportation in most of our communities, but the only real means of transportation in most of our communities. Urban mass transportation is today a public utility for all practicable purposes. The day of the private mass transportation companies have long since gone. Urban mass transportation today is a publicly run and publicly financed operation. If our communities are to continue to provide public transportation and if they are to meet the air quality standards that the Congress set forth in 1970, then it is my opinion that the Federal Government must provide the subsidies so that public transportation may be permitted to continue and to expand.

Last year I traveled to a number of European countries studying the urban mass transportation systems in those countries, and in every city and country that I visited I found that the national governments have been for many years providing direct subsidy for the operation of their mass transit systems. It is

a simple decision for me today in supporting this bill. If we do not have some kind of subsidy for mass transportation then we will be unable to continue public transportation in most of our communities throughout the country, we will not be able to meet the air quality standards, and we will only further the fuel crisis that confronts this country today.

Mr. Chairman, I urge the Members of this House to pass this bill.

Mr. PATMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. YOUNG).

Mr. YOUNG of Georgia. Mr. Chairman, I should like to speak to the suggestions made by my colleague from Connecticut, in regard to the Citizens Advisory Councils.

We have in Atlanta, as my colleague from the other county has said, a very good rapid transit system, but it took us 2 additional years and some \$600,000 in law suits to get it. The reason why it took that length of time was, essentially, a group of businessmen and engineers who rightly should construct a rapid transit system made the decisions without considering the needs of the community.

In any city now, anywhere we put new lines, we are faced with tremendous environmental considerations, and problems of relocation.

The intent of this amendment is to give citizens an opportunity to participate as the decisions are being made, and it is an effort to facilitate the process rather than to slow it down.

Whether we like it or not, I believe the whole concept of citizen participation is here to stay, and citizens are going to participate in their Government whether it be disruptively or through legal means and injunctions or through proper channels that we provide.

From the gentleman's own State of Connecticut there is a striking example of the effectiveness of local and independent participation in rapid transit routes, because for several months the buses in the New Haven area were on strike. One of the amazing things that occurred in the State was that the small, independent neighborhood bus services were able to operate on a profit. They were able to do that because they were much more in touch with the needs of those communities than perhaps the larger central planning bodies.

So the whole purpose of the Citizens Advisory Council, I would think, is to make it possible for people to participate and for things to move as smoothly as possible toward meeting some of our transportation needs.

Mr. BROWN of Michigan. Mr. Chairman, I yield 8 minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, when the House and the Senate took the action in their respective committees on this question of providing subsidy money, this marked a radical departure from previous urban mass transportation funding, as every Member in this body is well aware. Since the Federal Government became involved in this field with the passage of the Urban Mass Transit Act

of 1964, Federal money has been channeled into four areas.

The first of these is capital grants.

Capital grants were designed to enable transit systems to build new lines or purchase new equipment. The Dan Ryan and Kennedy rapid transit extensions of the Chicago Transit Authority were funded with two-thirds Federal participation under this program. Likewise, the new cars for operating these lines were similarly financed.

Currently, the CTA is seeking Federal help for the purchase of more than 500 new buses, and has a long-range capital grant application for a variety of projects—including elevated system modernization—for many millions of dollars.

The second category was Research, Development, and Demonstrations. Work on new technology or new transit concepts is carried out through this program. The Skokie Swift, in my former district, was funded under this title. More recent R.D. & D. projects have been 100 percent federally funded, whereas the Swift had some local participation.

The third category is technical studies. This is money invested in transportation planning.

And, finally, university grants. This money is to enable universities to sponsor transit-oriented programs for credit.

These four parts of the Urban Mass Transit program will cost in the neighborhood of \$1 billion at the present time.

The Urban Mass Transportation Act of 1970 made it possible for private carriers, with the cooperation of Government agencies, to receive transit aid for equipment. Prior to that time Federal money went only to publicly owned carriers. In the Chicago area, the Illinois Central Railroad put up the local matching funds for its new bi-level electric commuter cars, but the actual transaction was handled by a transit district which is a paper organization set up just to handle grants of this sort. The paper district received the Federal money and the money from the Illinois Central, purchased the cars, and now "leases" them to the railroad.

In any case, up to this point, no Federal money has been used for operating subsidies. Indeed, the original legislation specifically prohibited such use.

The money for operating subsidies differs in several ways from money for equipment. Equipment costs can be accurately predicted, whereas operating costs are not predictable. Equipment once purchased may be used for many years. Some elevated cars built in 1926 are still used on the Linden Avenue line during rush hour. That is the route from Wilmette and Evanston in the northern suburbs of Chicago to the Loop.

The CTA is only now applying to replace buses which are more than 20 years old. Operating costs, and especially deficits, recur every year, and the experience since the end of World War II has shown that these costs have been increasing year by year without exception.

The operating subsidies may be opposed on purely philosophical grounds as well.

There are, however, several technical arguments which may be made against the bill, some of which may be persuasive in dealing with Members in this Chamber unimpressed with philosophical arguments.

First, the measure as drafted sets no formula for disbursing the operating subsidies that is equitable and which could be provided by the Secretary of Transportation in any way so as to guarantee that all areas with mass transit problems would receive their fair share. Second, the Congress is once again abdicating its responsibilities in the legislative field to the executive branch with such language as that inserted in this bill, to wit:

The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of mass transportation service in urban areas.

We have heard a great deal of discussion not only in this Chamber but in the other body on the so-called constitutional crisis, and once more I would suggest that anyone who truly believes there is some kind of constitutional crisis between the executive and the legislative branch ought to reexamine the merits of conferring this degree of further power transfer from the legislative branch to the executive branch.

Third, a formula will be very difficult to devise in such a way as to treat all areas of the Nation equitably. In New York, a transit vehicle operator may earn \$7 per hour. The same kind of operator, driving the same kind of bus in Pueblo, Colo., may earn \$2.50. In Chicago the fare is 50 cents with transfers costing 10 cents, and travel outside the city limits costing more than the 50 cents base fare. In New Orleans, the fare is 20 cents and transfers are free. In one city, a bus company may carry 20,000 riders per day and run a deficit of \$100,000 per year. In another city of the same size, the bus company may carry 5,000 passengers per day, but because of school bus and charter contracts, the company may earn \$50,000.

All of these points raise the difficulty of writing a formula which takes into account fares, labor costs, type of service offered by the transit company, route and passenger miles served, and so forth.

At the present time, the Department of Transportation if forced to devise the formula, is leaning toward a formula based on the number of passengers carried. In that case, New York, Philadelphia and Boston will be eligible for most of the funds, and small cities where the continuation of bus service may be just as vital, may be eligible for virtually nothing.

Some proponents of transit operating subsidies contend that the Federal Government should absorb the deficits of major transit operations. Of course, large properties in the East account for over 60 percent of all deficits of all transit companies in the United States. So the

bill would again benefit the cities at the expense of many of the suburbs and less populated areas. More importantly, the Federal Government, by subsidizing deficit-ridden operations would be encouraging the operations with the worst efficiency. In Boston, with all due respect to my colleagues from that area, for example, the deficit is due, in part, to the large number of patronage—and useless—employees inflicted on the system. This has been an accepted fact up there for years. It is one thing for the citizens of Boston to pick up the tab for their political patronage, but it becomes quite another thing when the Federal Government pays the bill, thus permitting more and more of this sort of political patronage.

In New York, the subway fare has always been kept artificially low for political reasons. The city and State of New York annually make up the deficit caused by this artificially low fare structure. The operating subsidies, then, would amount to a reelection fund for the incumbent mayor. He could pass off the additional cost to the Federal Government, while promising to keep the subway fare at present levels.

I might note, parenthetically, that there is nothing partisan about this observation, because both parties have engaged in this practice in New York City.

Many local communities are in the process of deciding what kind of rapid transit system should be built for their area. The Federal Government, even with its limited program of capital grant subsidies, is putting subtle pressure on local communities attempting to influence them to choose busways over rail rapid transit. With the leverage given to the Federal Government through operating subsidies, the local communities will, for all practical purposes, be dictated to by the Federal Government concerning what kind of transportation system they should choose—a decision which can only be practically made at the local level, taking into account local conditions and preferences.

As indicated before, this program will be open-ended. One of the grave considerations facing Members of Congress today is the fact that 70 percent of our Federal budget is in the area of uncontrolled spending, and that percentage is a steadily increasing figure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of Michigan. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. CRANE. I thank the gentleman for yielding.

As I mentioned, 70 percent of our budget at the present time is in the category of uncontrolled spending, and this category of uncontrolled spending is increasing at a faster rate than the GNP in our society. If this trend is not reversed—and clearly this bill will not reverse the trend but, rather, will aggravate it—we can anticipate at some point in the not-too-distant future when those of us who are concerned about economy in Government are going to be coming down to

Congress and finding that we are locked into ever-increasing deficit spending with no ability to be responsive to our constituents in trying to stop that spending.

Once a formula is drawn, DOT will of necessity be back asking for supplemental appropriations because the \$400 million will never cover all transit systems in the United States. Further, transit deficits are growing at a fast rate. The deficit in Boston was \$30 million in 1967, but is estimated at \$71 million for fiscal year 1973.

Further, since Federal money will be involved, local transit operations will be subject to equal protection arguments which can lead to complete disruption of local operations. The Federal Government can be expected to put pressure on cities to operate service for certain special groups.

We already have that now in the bill, as the Members know, to the extent that the Secretary of Transportation shall not provide operating subsidy assistance to local communities unless the rates charged to elderly and handicapped persons during the nonpeak hours will not exceed one-half of the rates charged to other persons. But it need not stop there, and probably will not.

Let us look at some examples where such special provisions have been tried.

In Baltimore, bus runs to poverty areas were running every day with no passengers with the expense being picked up by the Federal taxpayer under a "demonstration grant." Enough money was spent on the Watts poverty area bus demonstration in Los Angeles that each passenger could have been given a used Volkswagen to drive for the amount of money spent to pay the deficit. And the Watts project was considered the most successful project of its kind by the Government.

In short, the Federal Government will be telling Chicago to lower its fare, or New Orleans to raise its fare. It may compel the CTA to cut off service on Diversey Avenue after 9 p.m. because the bus route passes too many hospitals or homes for the elderly. In any case, we can expect Federal dictation on every facet of transit operation. And if the Federal Government will restrain itself, OEO-funded "representatives of the poor" certainly will try to force service changes, and can do so easier when there is Federal money involved.

Mr. Chairman, I would like to read a letter that I received from Mr. Frank C. Herringer, the Director of the Urban Mass Transportation Administration, on this particular subject, in which he said:

We are strongly opposed to enactment of any program of Federal operating assistance for mass transit. No one can question the seriousness of the status of the Nation's urban transportation systems as they struggle to cope with rising operating costs, falling ridership, and other ills. This is a problem that must be dealt with, both on the Federal and local level. However, we do not believe that the proper Federal role is to provide operating subsidies.

The dilemma we are faced with is that on the one hand for the Federal Government to allocate operating subsidies without setting standards and controls would provide absolutely no assurance that the monies were

being used effectively—while on the other hand, to establish controls and standards at the Federal level would require that we involve ourselves in making local decisions that we are not competent to make.

The determination of fares, routes, wages, and other characteristics of the transit system can best be made at the local level, where local knowledge and responsibility exists. Introducing a new factor—Federal subsidies—into this local equation will not provide answers. In fact, it may allow local authorities to avoid taking tough, non-monetary steps, such as traffic regulation, pricing of parking facilities, and the like. Instead, what we would probably be faced with is a continually accelerating demand for greater and greater subsidies, while the basic problems remained untouched.

The CHAIRMAN pro tempore. The time of the gentleman has again expired.

Mr. BROWN of Michigan. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the additional time.

There is one final observation that I would like to make that came out of the hearings. We had testimony by Representatives from the States of New York and New Jersey, two of the chief beneficiaries of the proposed legislation before us, and I asked those gentlemen when they were testifying before our committee if they had not contemplated the possibility of submitting referendums in their respective States to raise money to cover the operating deficits coming out of the Newark and New York City transit operations. In both instances these gentlemen answered that yes, indeed, they had submitted referendums to the taxpayers to cover the operating deficits, but they were voted down in both States.

I asked them why they thought they were voted down, and they both said because there was money in there for highway construction as well as operating subsidies.

I asked them if they were to remove the provision for highway moneys and go back to the people and ask them to support the operating subsidies would they be approved? Both of them indicated that they were convinced they would.

In the State of Illinois the Chicago Transit Authority ran a \$19 million deficit last year, and the Illinois State Legislature voted on a 70-30 matching basis to raise 70 percent of the Chicago Transit Authority's operating deficit statewide if the city of Chicago would produce the other 30 percent.

Since in the State of Illinois we pay out approximately \$2 of our tax money to get a Federal dollar back in our State, I have no desire to bail out the politics and inefficiencies of such States as New Jersey and New York at the expense of Illinois taxpayers. We in Illinois are willing to deal with our problems at home whereas the voters in New York and New Jersey either are not, or are attempting to deliver a message to the managers of their local mass transit systems that they feel their ad-

ministration of those systems must be reformed before they will have popular support by the taxpayers in those States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I rise in strong support of H.R. 6452, the Urban Mass Transportation Act of 1973. This legislation, which has now passed the Senate a total of five times, is vitally needed if the cities of our country and the people are not to strangle in traffic and choke on polluted air.

I should point out that I am proud to be a member of the newly created Mass Transit Subcommittee of the Banking and Currency Committee which developed this far-sighted legislation. I want to commend the chairman of our subcommittee, JOE MINISH of New Jersey, for his outstanding leadership in shepherding the bill through the subcommittee and the full committee.

Since a number of the provisions of the legislation before us today were already enacted into law as part of the Highway Act, the major part of the bill and the most significant part remaining has to do with Federal operating assistance to mass transit systems.

Basically, the legislation authorizes \$400 million in each of the next 2 fiscal years for Federal grants to mass transit to cover operating costs. The extension of these grants would be contingent upon a mass transit system meeting two requirements. First, the system would have to provide half fares for the elderly and the handicapped during offpeak hours. Second, the applicant for a grant would be required to submit a comprehensive plan for improved transit service to the Secretary of Transportation for his approval.

The funds would be distributed according to a formula based upon three criteria: the population of the metropolitan area in which the transit system operates; the number of passengers which the system carries; and the number of miles which the system covers. The second of these factors, that is, the number of passengers, will provide a built-in incentive for the transit system to improve its service because the more passengers a system carries the more Federal operating assistance it will receive.

Mr. Chairman, it is true that the Federal Government provides some assistance to mass transit and that the level of this assistance has increased somewhat in recent years. But all of the Federal dollars now going to transit in the future under the recently enacted highway law are for capital needs and for capital needs only.

The most immediate need of transit in the United States is for operating assistance. It does a transit system no good if it can purchase a beautiful modern bus through the capital grants program and then cannot afford to pay the busdriver or to buy gas to power the bus.

Mr. Chairman, this Nation should do no less for mass transit than it did for highways over the past 20 years. We have invested more than \$50 billion dollars in our highway system, yet we come here today asking for less than a billion for mass transit. Personally, I would have liked to see more money in this bill, but I do recognize this legislation as a start toward redressing the balance in this country between what we in the Congress have done for highways and what we have done for transit.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Chairman, I rise in support of the Urban Mass Transportation Act of 1973, and I applaud my colleague from New Jersey (Mr. MINISH) for the time and effort that he and his subcommittee have committed to the development of this sound legislation.

H.R. 6452 has as its major thrust the authorization of operating subsidies that would provide urgently needed help to transit systems. This is not a giveaway bill. In order to qualify for these funds, the transit systems would have to submit details of an improvement plan of the systems' operation and services.

Now, we might hear, "Congress recently passed mass transit funding in the form of the Federal Aid Highway Act, so why authorize more?" Mr. Chairman, what we did by including mass transit provisions in the highway bill was to buy the carriage; but the carriage is not going to move without the horse.

The bill before us provides operating assistance; and this assistance has proven itself worthwhile in a number of systems throughout this country. The fine new buses that were purchased with highway money are nice, but they might remain idle without the funds to operate them. H.R. 6452 would complement the highway act by making a sound effort to assist and improve mass transit systems.

Mr. Chairman, New Jersey is the Nation's most urbanized State situated between major metropolitan areas. It is also a patchwork quilt of highways and railroad tracks which serve to transport people from city to city and State to State. New Jersey's citizens depend greatly upon bus and rail systems to get them where they want to go. During the past decades, I have witnessed railroads die and bus lines disappear. It is no wonder that automobiles have clogged our highways. It is about time that the Congress of the United States takes action to assist our ailing transit systems. Along with the assistance is the incentive for systems to improve themselves and to develop into efficient and inexpensive avenues of transit. I urge the Members to support H.R. 6452.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I thank the chairman of the committee for yielding this time to me.

Mr. Chairman, I should first like to pay my respects to the chairman of the sub-

committee, the gentleman from New Jersey (Mr. MINISH), who has worked so hard with the subcommittee and who has brought us to this point where I hope we are going to pass a mass transit operating subsidy bill within the next hour or two.

I should also like to pay the same compliment and respect to the leadership of this House who have worked so hard with so many Members to point out the need for this bill.

Mr. Chairman, the bill we are considering today is important to mass transportation systems, large and small, urban and rural. It provides a means for breaking the cycle of deteriorating service and declining ridership in which public transportation has been spinning for the past 3 decades.

In 1945, the peak year for transit ridership in this country, mass transit carried 23 billion passengers. Ever since then, despite the increased urbanization of our country, transit ridership has declined annually to the 1972 low of 6½ billion passengers. This is an astounding reduction, but one which suggests the potential of mass transit as a means of transportation for millions of people in all parts of the country.

Some argue that if a mass transportation operating assistance program is enacted, the demands for funding will only grow. But this is in fact what would not happen. Indeed, the committee sees this bill as providing emergency assistance to stem the tide of deficits now plaguing most systems. In the long run, the bill should save money at all levels of government.

H.R. 6452 is designed to salvage and revive existing transit systems, make better use of transit capital resources, and return systems to a more sound financial basis. Just as this country subsidized trunkline airline operations for a number of years until they were able to operate independently, we now need to invest money in transit service so that it can be updated to better meet today's needs and become more financially viable. This cannot be done through capital grants alone.

The alternative is to increase fares and/or allow further reduction in service. Statistics have shown that as fares for an average subway or bus ride rise beyond the 35-cent level, a precipitous decline in ridership results. This is something we do not want, particularly today when our cities are struggling to improve their air quality, as mandated by the 1970 Clean Air Act. Most States, in developing air pollution control strategies, are turning to increased transit use and reduced automobile traffic.

Subsidies that have reduced transit fares have been shown to increase ridership. With a subsidy, Atlanta reduced its fare from 40 cents to 14 cents and patronage increased by approximately 11 million passengers. In San Diego, a subsidy has lowered fares from 40 cents to 25 cents and ridership has surged 72 percent.

The mayor of San Diego came before our subcommittee. I asked him, not knowing that he was a Republican, what

his party affiliation was, and he said he was a Republican. And then I asked why it is that the Republican leadership in Congress and the Republican administration are opposed to operating subsidies for mass transit. He said he did not know. He thought they were wrong and he said he would do what he could to make them change, because he pointed to the fact that in San Diego as a result of the reduction in fare the ridership in one year went up by 72 percent.

Why should the concept of mass transit operating subsidies be so untenable for some?

We subsidize the operations of Amtrak. Why should it be more reasonable to subsidize the operations of railroads carrying people between cities than mass transit transporting men and women to and from work in our cities? The purpose of Amtrak is to save and modernize railroads in our country and enable them to fill their proper role in the country's total transportation system. The purpose of H.R. 6452 is similar: to update mass transit and make it more viable so it can fulfill its proper role in the transportation of people in this country.

This country also authorizes subsidies for the maintenance and operation of the U.S. merchant marine. In 1972 we subsidized the operation of U.S. flagships with \$224 million, in addition to the \$238 million subsidy for the construction of new ships, to be operated by private owners, in U.S. shipyards. We do this so we will continue to have a U.S.-flag-flying fleet. Similarly, we need mass transit operating subsidies so we can be assured that we will have the capability of moving large concentrations of people at an efficient pace within our cities. Furthermore, we need it to ensure that the poor and the elderly who do not have cars have a means of getting around and getting to jobs at a reasonable cost.

Some argue that the money authorized under this bill will go only to the large cities. But, this is not true. One of the things that recommends this bill over others that have been introduced is that every transit system—private and public, urban and rural—can get assistance through H.R. 6452. The Secretary is directed to allocate funds on the basis of a formula prescribed by the bill. The formula assures every transit system of some assistance upon submission, and approval by the Secretary, of a comprehensive transit service improvement plan. In short, the Secretary of Transportation has not been left the discretion of picking and choosing what systems he will assist.

Some complain that a lot of the money will go to the large cities. But, is this so unreasonable that because transit systems and transit passengers are concentrated in certain parts of the country, these areas will get large portions of the funding? This bill is designed to revive existing transit systems. Thus, the money has to go where the systems, the passengers, and the potential passengers are. We have other programs that help the farmers. In 1970 we spent \$5.2 billion in agriculture subsidies. \$1.6 billion of this

went to farmers to stabilize feed grain production. Necessarily, a large percentage of the \$5.2 billion and the \$1.6 billion went to the farm States.

Finally, just this year our country subsidized the wheat deal with the Soviet Union to the tune of over \$300 million. If we can reduce the price of bread for the citizens of the Soviet Union, is it so untenable to subsidize transit fares for our own citizens so they can get to work at a reasonable cost?—So we can get more people to ride buses and subways?—transit systems that can move people more efficiently and with less toll on the environment than the automobile?—So we can reduce air pollution and make our cities mobile once again?

Yes, the large cities will get large sums of money, but all systems will get some assistance, whereas they aren't getting any operating assistance from the Federal Government now—and most transit systems, large and small are in a state of financial crisis. The assistance rendered under H.R. 6452 will be in proportion to the systems' needs. In fact, it has been shown that the bill will more closely meet the deficits of the smaller systems than the larger systems.

Mass transit is the lifeblood of many of our cities. Its success affects millions of people. An infusion of Federal assistance now will be less costly in the long run than building new systems tomorrow because we have let today's systems die. It will also be less costly than rebuilding city blocks destroyed by those rioting, as they did in Watts, because they were locked in the ghetto with no way to get jobs in other parts of the city.

There are few Members in this body that do not have at least one transit system in their district—and most of these systems are probably in the need of financial help. H.R. 6452 will provide this emergency aid.

The transit crisis is a crisis of national proportions affecting all of us. I urge our colleagues to support H.R. 6452 which is designed to turn mass transit systems around so as to reduce the long-term need for operating assistance from the Federal, State and local governments.

Finally, I would submit that this is not only a mass transit bill, it is also a pollution abatement bill, an energy conservation bill, and a workingman's bill. It should be enacted into law.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in support of this legislation and hope that my colleagues will share my view and support this bill. With the approval of the use of a portion of the highway trust fund for mass transit purposes that was approved during the summer, this Congress has at its door the opportunity to go down in history as the starting point of a new era in American transportation.

Mass transit services in America has been the sorry dog of our transportation system. Other nations have elaborate systems of rail and bus transportation that attract thousands upon thousands of their citizens every year. But America has driven away its citizens from mass transit through neglect and abuse. Most

systems are so dilapidated and antiquated that users enter them at their own risk. Others are new and models of efficiency and are finding increased passenger usage and profits.

Mass transit can work, but it needs help; and help must come in the form of money. The problem is twofold: increasing fares have decreased ridership. Decreasing revenues have led to less and less investment in new capital equipment. The Urban Mass Transportation Act is providing a new infusion of funds into the Nation's existing mass transit systems and helping build new ones. Amtrak is developing greater use of intercity rail travel. Using highway trust fund money for mass transit capital improvements—particularly for the purchase of buses—will further expand our commitment to mass transit facilities.

Now today, we have the opportunity to provide the infusion in our systems to help reverse the trend of higher transit fares. Let us make no mistake about it; the billions of dollars poured into highways and related facilities by the Federal, State, and local governments do not come from user taxes exclusively. There are sizable amounts for maintenance repair, ancillary facilities, traffic control systems, highway personnel, police patrols, and so on, that are not covered by user taxes.

What we will do here today is put mass transit service—the service that so many Americans, particularly our elderly, our poor, and our handicapped must rely on—on an equal footing with highway services. The operating subsidies section will benefit many millions of Americans. For the New York mass transit systems, some \$84 million would be available to keep the transit fare at its current 35-cent level. With these new moneys, it may be possible to eliminate the need for a massive bond issue in New York State that could be ruinous to our State's fiscal position. Other States face similar unfavorable options.

The course of American population is changing. More and more people are moving into urban areas. The time is now to change our focus from a rural, farm nation to an urban nation. The Congress must react to the needs of the people where they are—not where we might like them to be.

The challenge of the seventies and the eighties will be in the urban corridors of this Nation. Let us move the Congress forward with the people. Passage of this bill will help bring about the balanced transportation system this country needs to serve the people of the world's greatest nation. I urge my colleagues to support it wholeheartedly and defeat any crippling amendments.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, when we first began working on mass transit legislation in the Housing subcommittee more than 10 years ago, we recognized that we were dealing with a vital public resource which was rapidly being destroyed by a recurring cycle of rising operating costs requiring rising fares

which led to reduced patronage and poorer service. We tried in every way short of operating subsidies to help the urban mass transit systems to survive, but it has become clear that without operating subsidies this is a losing battle.

In my city of St. Louis, we have encountered one crisis after another in keeping our mass transit system from being abandoned. The Missouri legislature and our St. Louis Board of Aldermen have recently enacted a ½ percent increase in our sales tax, applying in the metropolitan area served by our mass transit system, with this money earmarked entirely for mass transit.

But the urban systems do need and must also have operating subsidies from the Federal Government. The entire Nation has a real stake in the quality of urban environment, and must share in the cost of keeping our mass transit systems going.

We are not going to get the choking mass of automobiles off our city streets until we have better urban transit facilities for the public to use, and at fares that will encourage people to take the bus instead of the family car.

This issue has been studied for enough years for us to know that unless we act with courage to meet this problem now, we will face a far greater problem in the future.

#### OFF-PEAK-HOUR FARE REDUCTIONS FOR HANDICAPPED AND ELDERLY

One of the important provisions of H.R. 6452 requires that mass transit systems receiving operating subsidies must provide half-fare arrangements for the elderly and the handicapped during off-peak hours of operation. Many of our urban transit systems are already providing special fare arrangements for the elderly and the handicapped during hours of the day when facilities are not heavily used, and this provision of the bill will spread the same plan to all systems which want to participate in the subsidy program.

Not only will this encourage wider use of equipment during the off-peak hours but, more importantly, will make it far easier for citizens getting along on social security or disability benefits to participate more actively in the affairs of the community, in the enjoyment of recreational facilities, and in the use of health clinics set up for their benefit.

#### BILL DESERVES SUPPORT

Mr. Chairman, it is true that Federal funds alone cannot solve every problem, but it is also true that the problems of maintaining adequate and effective public transportation systems in our cities cannot be solved without Federal funds, including operating funds.

Considering some of the ways in which Federal funds have been used in huge amounts for limited purposes benefiting comparatively few people or industries, the rescue of our mass transit systems from further deterioration and eventual abandonment is a high priority need which fully justifies the comparatively moderate amount provided for in this bill for operating subsidies.

Those of us on the Housing Subcommittee who were responsible for initiat-

ing and developing over the past dozen years the legislation which authorized the present program of Federal assistance to mass transit turned over this legislative responsibility at the start of the 93d Congress to a newly created Subcommittee on Urban Mass Transportation, on which none of the Democratic members of the Housing Subcommittee serve. Nevertheless, after long exposure to the problems of mass transit, I think all of the majority members of the Housing Subcommittee recognize fully the urgency of passing H.R. 6452 with its provisions for operating subsidies. I hope our colleagues on the Republican side who worked with us in the past on transit legislation in the Housing Subcommittee will remember the many, many hours we devoted to this issue and the extensive information we developed on this matter—all of which points to the need for Federal operating subsidies.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 6452, the Urban Mass Transportation Act.

This measure represents the second step in the Federal Government's belated but very welcome recognition of the critical importance of urban mass transit. The Federal-Aid Highway Act opened up the highway trust fund for use in mass transit construction projects, making available approximately \$800 million for such purposes. This bill provides \$400 million for actual operating subsidies, and as such, serves as the logical companion measure to the House action liberalizing the trust fund.

In the past, Federal neglect has condemned mass transportation to a vicious cycle. Fares had to be kept low to attract riders, and did not meet operating costs for labor, equipment, maintenance, and improvement of existing facilities. Low revenues also caused the system to become neglected in such areas as station and equipment maintenance. The resulting inefficiency led to even less ridership and compounded financial problems.

With the aid of trust fund revenues and this act, we have begun the process of reversing the declining cycle, and the prospects for future economic stability are much brighter.

Another crucial product of this bill and of improved urban transportation in general is the set of benefits that will be made available to urban residents. City dwellers, especially those with low incomes, would have the mobility to enable them to take advantage of the employment opportunities outside the central city in the suburban locations. For these citizens, bus and rail alternatives are needed desperately.

In general, it seems to me that the answer to the traffic congestion problem and its related effects does not lie in the expansion of existing highways, but rather in an increased emphasis on urban mass transit, both surface and underground, which will provide an efficient and convenient means of transportation. Urban automobile traffic will always be heavier because of the constant movement of goods and services through our cities. If, however, urban mass transit is made as appealing as possible, the transportation problems in the city can be alleviated.

The act provides critically needed help in yet another regard—the pollution of air in the cities, which reduces the quality of urban life and, even more seriously, threatens the health of city inhabitants over the long term. The Clean Air Act of 1970 was enacted by Congress to curb the pollution problem, but goes no further than setting the standards for decent air. The Urban Mass Transit Act provides the cities with the means for meeting the standards—money for low-polluting mass transit systems.

In Boston, alternative means for meeting the Clean Air Act standards by 1975, the statutory deadline, have triggered considerable objection and opposition. Boosting the cost of downtown parking, curtailing the number of available parking spaces, and installing extremely expensive antipollution devices may very well be reasonable prices to pay to reduce air pollution within the next 2 years, but mass transit is a long-term solution which is also more compatible with the need to preserve and enhance the economic viability of the city.

In summary, Mr. Chairman, this act is a major step forward in focusing national resources and attention on the entire complex of problems generated by our present outmoded transportation policies in the cities. I urge the House to give the act its support.

Mr. ANNUNZIO. Mr. Chairman, I rise to express my vigorous support for H.R. 6452, which is the Urban Mass Transportation Assistance Act of 1973. I consider this urgent, almost emergency, legislation which must be enacted without delay.

For mass transit, the period since the close of World War II marks one of the grimmest chapters of our economic, and I might add, social history. It is a history of steady decline in one of our most vital public services—urban mass transportation.

Back in 1950, well after the Second World War had ended, the transit lines of the United States carried a total of 13.8 billion revenue passengers. By 1960 this total had dropped to 7.5 billion, and in 1970 it was reported at 5.9 billion. The 1972 total will be a further drop to about 5.3 billion.

This trend is clearly reflected in the profit and loss data. The American Transit Association reported that the operating income for U.S. transit companies, after taxes, in 1950 amounted to \$66.4 million. By 1960 this had dropped by more than half to \$30.7 million. The year 1962 was the last year that the transit industry operated in the black, earning \$19.7 million. This meager surplus turned into a deficit in 1963 of \$880,000. By 1965, the deficit was \$10.6 million, and by 1970 it was \$288 million.

To indicate how it is escalating, the deficit has nearly doubled in just 2 years to \$513 million. Let me reemphasize—that is a \$513 million deficit for the Nation's transit industry, or what is left of it. In many of our urban centers, transit service has ceased to exist.

The Urban Mass Transportation Assistance Act of 1970 was enacted to help relieve this growing problem of transportation in our cities. However, the 1970 act provided \$3.1 billion to fill a

\$10 billion need—obviously an inadequate amount.

The bill before us, H.R. 6452, will go a long way in strengthening our present program. Perhaps its most outstanding feature is its provision for Federal financial assistance at the transit operating level—which is where help is needed most in my estimation. It authorizes \$400 million in grants for each of the two subsequent fiscal years in specific operating subsidies. This, of course, marks a departure from past practice, but it is essential if we are to preserve our remaining transit systems.

Incidentally, H.R. 6452, requires that in order to take advantage of the operating assistance program, the respective transit system must permit reduced fares during off-peak hours for the aged and handicapped. This feature has my strong support, and it is with pride that I bring to the attention of my colleagues the fact that the Chicago Transit Authority has set a national example with its reduced fares for older citizens on a 24-hour basis.

As a member of the Banking and Currency Committee, where this bill originated last year, I was successful in adding an amendment to the housing bill which would have lowered fares on public transportation for senior citizens, an amendment to provide Federal operating subsidies to mass transit, as well as one to authorize \$3 billion in new capital grant funds to local systems.

Although the bill was favorably reported by the Banking and Currency Committee, it died in the Rules Committee during the rush toward adjournment. However, some parts of the bill were salvaged, such as the capital grant provision, which was included in the highway bill and was signed into law several weeks ago. Now the bill before us today includes some of the other provisions from last year's bill—operating subsidies as well as the vitally needed provision for the elderly and the handicapped.

This measure also provides for a safeguard in that it requires that State or local governments establish a Mass Transportation Advisory Council in order to continue to participate in the Federal assistance program. Members of the Council are to be drawn from the general public, business, labor, and community organizations, plus the State or local government. Its responsibilities would include policymaking, planning, contracting, purchasing, hiring, and training, and location of routes and stations.

Mr. Chairman, these are the essentials of H.R. 6452. They are badly needed and long overdue. I support this bill wholeheartedly and urge my fellow Congressmen to act favorably on it.

Mr. PODELL. Mr. Chairman, I wish to express my full support for H.R. 6452, which is intended to help relieve one of our worst transportation problems—mass transit for our urban populations. Without a doubt, urban transportation is a sector of our everyday life which reflects a degree of inadequacy not equalled in any other field.

The bill, H.R. 6452, gets right to the

heart of the problem. Section 2 of the proposal provides for payment of grants to States and local authorities for operating expenses of transit systems. After all, it is at the fare box where we have been losing the battle to retain viable transportation systems in our urban centers. It must be accepted as a well-demonstrated fact of life that fare levels cannot keep pace with constantly rising costs, and still retain load factors sufficient to meet all costs.

The bill places an authorized annual limit of \$400 million, and a time limit of 2 years, for operating assistance. The amounts appropriated, however, are to remain available until spent.

The bill has other provisions worthy of mention, which have long been needed. One is a provision that in order to participate in the operating grant program, the transit system must permit the elderly and handicapped to travel at half fare during nonpeak hours of service. Another worthwhile provision is the one which raises the ratio in the existing program from the present two-thirds Federal, one third local share to a level of 80 percent Federal, 20 percent local.

The \$3.1 billion authorization for the existing program is strengthened by an additional \$3 billion.

All of these provisions are of enormous importance to our metropolitan transportation systems. Certainly this is true of my own district in New York City. New York has one of the most substantial movements of people in the world every work day. Its a tremendous operation, and it will not lessen. Rather it will continue to grow. So, New York, like other cities, needs, and will increasingly need, all the financial help it can get.

Operating assistance is a case in point. It has been estimated that the New York metropolitan transit system might get financial aid, of about \$130 million if the program is adopted and placed on a passenger volume basis.

While I fully acknowledge that the emphasis of my concern in speaking for this legislation comes from the plight of my immediate constituents in urban mass transit, there is a broader public benefit at work here as well. More than perhaps any other city, New York has an enormous flow of transient visitors from all over the United States—and indeed the world. Upgrading the mass transit system for New York City will markedly ease the problem of the millions of visitors who annually struggle to get around this great city of the world.

The point which I make is that New York and other cities need help for their transit problems, and H.R. 6452 will go a long way toward supplying that help. I urge my colleagues in the House to approve this legislation without delay.

Mr. BURKE of Massachusetts. Mr. Chairman, I can think of no better example of what a major city would be like if there were no urban mass transportation than Washington a few weeks ago. The wildcat strike which crippled Northern Virginia's commuting residents also created a tremendous hardship for the entire city of Washington. Since the District is a commuter city in which most people work but do not reside, the added

influx of private automobiles to the already crowded and congested streets just made a poor situation worse. Commuting time from the Northern Virginia area more than doubled in most cases as traffic stretched for miles and moved at a rate of less than a snail's pace, and parking in the District, which is normally hard to find, was almost nonexistent. Gentlemen, this is an extreme example I know, yet this is a vision of what could—and does—happen to a city when its public transportation fails.

Before us today is the Urban Mass Transportation Act of 1973, H.R. 6452, whose sponsors call for passage to help alleviate a national problem, which can only compound in the next few years without solution. At another time a farsighted Congress saw the growth of the automobile as necessary to our society and they aided its growth by mandating the Interstate Highway System. Today it is time again for another, hopefully, more farsighted House to approve aid to transit systems which will serve as alternatives to the automobile with its attendant problems of pollution, noise, congestion, and land requirements.

In the mid-1950's when Congress initiated the interstate highway project America was primarily a rural, small-town country and the idea of Congress was to connect major cities by the most advanced road network at the time. Today with that vision almost complete the emphasis should be upon improving mass transportation within the urban and suburban areas because today more than 70 percent of our population live in these urban-suburban areas. America is no longer the rural society it once was, gentlemen.

With the greater shift toward this urban lifestyle the need for a strong public mass transportation system has grown and the local and State governments have responded with operating subsidies to floundering transit systems. It is time now for the Federal Government to assume a partnership role with its sister governments and make a major commitment to mass transit.

Hopefully, H.R. 6452 is the beginning of a major commitment. The sum of \$400 million will be authorized for fiscal year 1974 and fiscal year 1975 in the bill, yet mass transit deficits for this year alone approach the \$650 million level with State and local governments subsidizing some of this deficit. Most of the Federal money already allotted for mass transit, including the trust fund money, is for capital expenditures—not operating subsidies.

Operating subsidies are necessary for the remaining transit companies to improve their service and operate on a sound financial basis. Yet, contained within H.R. 6452 are safeguards to just throwing money into what some people call a bottomless pit.

Before a mass transit system could receive any operating funds, it would be required to submit a comprehensive plan for improvement of operations and services to the Secretary of Transportation for approval. Such a plan would necessarily include a provision providing half-fare rates for the elderly and the handi-

capped during nonpeak hours, at the least, and, hopefully, during all hours of operation. These people, especially, and the poor are the ones to whom safe, dependable, and efficient mass transportation is essential. Either physically or economically unable to own or drive their own automobile, these citizens are dependent upon mass transit for their mobility.

Assistance to any mass transit system would be based on a formula which incorporates: First, the population of the area served by the system; second, the total number of the revenue population carried by the system and third, the total vehicle miles traveled by the system. This formula is based in part on the number of riders because it is felt that this would provide an ongoing incentive for the transit systems to improve service and attract new passengers and, thereby, receive greater Federal assistance in the future.

The time has come for the Federal Government to mandate these operating subsidies. Already we have given impetus to mass transit improvement by mandating stronger EPA pollution regulations which directly and severely restrict automobile use in the downtown areas of our cities. And with reduced automobile use comes the need for the greater implementation of wider bus service with its added expenses.

Increased ridership and reduced fares alone will not pay the increased operating expenses engendered by broader service. If the Federal Government will alter travel patterns for millions, it must also be willing and able to subsidize the operating expenses for efficient, economical, and convenient transit systems, which will be the alternatives in the future to the automobile.

Local and State authorities already have granted operating subsidies with success measured by dramatic fare reductions, increased ridership, and broader service in such places as San Diego, Atlanta, and even here in northern Virginia, with the Shirley highway bus project.

In my own State, Boston's Massachusetts Bay Transit Authority has been improving its service and facilities with the aid of Federal capital grants. The grants have been used to renovate the old and purchase new rolling stock, and to upgrade its safety, maintenance, and electrification equipment.

With the newer, more efficient, and more attractive cars the MBTA is attempting to substantially increase daily ridership. The authority has even implemented an elderly reduced fare card which can be used between 10 a.m. and 2 p.m. by the senior citizen. Also, the "dime time" innovation has made use of the MBTA more attractive to commuters with the result being that many more use the system than had previously.

No longer is urban mass transportation a local problem. Instead it now is national in scope, and Congress must deal with the problem directly—in the form of operating subsidies.

The House must pass this bill. It is generally agreed that inevitably there will be an overall forced reduction of

auto usage in metropolitan regions. This will result in severe economic consequences due to breakdown of mobility in the cities. If there is a viable alternative—a clean, convenient, efficient urban mass transit system, which can be brought about by Federal operating subsidies, then the transition will not be as bleak as I have painted it.

Mr. MOAKLEY. Mr. Chairman, 1 year ago this House voted against allowing cities like Boston to choose how best to spend its share of highway trust fund money. At that same time, September 21, 1972, as a candidate in Massachusetts' Ninth Congressional District, I pledged that if elected to Congress, my first priority would be to try to change your mind.

Boston, as you know, wants to spend Federal money on rail transit. If you give Boston the green light on rail transit, over 5 billion transportation and transportation-related dollars will be generated in metropolitan Boston during the next decade—and most of that money will be spent in my district.

Governor Sargent's plans call for \$1.5 billion in transportation expenditures in metropolitan Boston. The economic multiplier effect is threefold. Add in inflation, and \$5 billion is just the beginning. Besides being prejudiced, I am also desperate.

With all due respect, regardless of your decision, the odds are great that no more highways will ever be built in Boston. One good lawyer could keep away the cement trucks from Boston for at least 15 years.

All the roadbuilders in America would not stand a chance against one Boston lawyer clad in the armor of the Department of Transportation Act, The National Environmental Policy Act, and the Clean Air Act.

Mr. Chairman, I could testify about a Boston-wide epidemic of carsickness; I could tell you how, in the metropolitan Boston area, 160,000 cars now vie for 28,000 offstreet parking spaces, how over 56 percent of the city of Boston is now devoted to servicing, parking, and driving cars; how half of all Bostonians over 65, half of all Boston blacks, and 67 percent of Bostonians with incomes under \$3,000 do not have cars; I could tell you about rush-hour parking lots, drive-in streets, and whole neighborhoods that are only a drawing board away from being paved over by concrete and painted over with soot.

The choice before the House today is whether to allow mass transit systems like those we have in Boston to have the necessary Federal funds that are so urgently needed to provide for operating assistance. The citizens of Boston and its surrounding communities have been subsidizing the operations of the metropolitan transit authority for many years now out of real estate taxes. Mass transit needs of our area are so great that we are asking the Federal Government to help us operate our mass transit systems. Capital grant funds alone cannot help our mass transit system survive, and if the Boston area does not have a functional and operational mass transit sys-

tem, then the whole community will be in danger.

Rail transit is 23 times safer than autos, uses 7 times less fuel, gives off no pollutants, and can move up to 50,000 people an hour compared to 4,000 an hour for the auto. A double-tracked rail transit line can carry as many commuters as 20 lanes of freeway at existing average rates of passengers per vehicle.

The Commonwealth of Massachusetts and the city of Boston have already made the commitment that all future transportation needs of the State and the city will be devoted to urban mass transportation. Having made that decision and having provided some of our resources the funds to subsidize the operations of our mass transit systems, we have reached the point where we need Federal subsidy assistance since our communities can no longer bear the full cost of operating subsidies.

Let me warn the Members of this House that many of our communities will in the near future face the same pressing need we in Massachusetts are currently facing. Most of you can dismiss operating subsidies at this time as wasteful use of Federal funds, but in the foreseeable future most of you will come to the realization that I have, that there is a vital necessity for this Federal subsidy assistance. Our experience in my State shows that operating assistance is not a wasteful use of taxpayer funds, but an important use of our tax resources to keep public transportation systems functioning.

Give us in Boston this necessary operating assistance and we can meet the clean air standards by 1985 that the Congress set forth in the 1970 Clean Air Act.

Mr. Chairman, by providing our Nation's transit systems with operating subsidies most of our American cities will be able to meet the clean air standards. Mass transit can assist America's worst polluted cities in meeting its clean air standards, if not by the deadlines set by the Environmental Protection Agency.

Mr. Chairman, I urge the Members to vote favorably on this rule so that we might have the opportunity to discuss and vote on the issues raised in this bill.

Mr. ROE. Mr. Chairman, I rise in support of the Urban Mass Transportation Assistance Act of 1973 (H.R. 6452) now before us and particularly the operating subsidies provisions of this legislation.

As a member of the Public Works Committee and active participant in the committee's public hearings on the Federal Aid to Highway Act signed into law on August 13, 1973, I am compelled to speak on behalf of the many responsible witnesses and highly reputable representatives of the public and private sectors throughout our Nation who took the time to come to Washington and share their views and experience with us on the enormity of the problems and the challenge of the solutions in order to provide an adequate coordinated mass transportation system for the people of our Nation.

There were several poignant and succinct facts that evolved from these hearings substantiated by the findings and results of feasibility studies, planning,

constructing and operating some of the most sophisticated mass transit systems in the world. One basic conclusion that was unanimous in our deliberations is that a national commitment for the development of a coordinated integrated mass transportation system is absolutely essential. Priority considerations that unfolded during our discussions were that we must use the tools of the 21st century, dispense with the archaic paste and glue methods of aiding crisis situations in the mass transit industry and make a substantive national investment to cure the ills of the present haphazard, makeshift operation of the rail and bus line services throughout our Nation.

We can keep pouring money into capital improvements but if we do not aid these transportation lines at the farebox to permit mass transportation for our citizens at a reasonable cost to their individual pocketbooks we are not going to get the people out of the convenience of their automobiles and at the rail gate and bus stops in sufficient numbers to secure an adequate return on our capital investments and provide a self-sustaining mass transportation system for the people of America.

During our Public Works Committee hearings Mr. B. R. Stokes, general manager of BART, the rapid rail system in the San Francisco bay area which began its operations in September 1972, testified that the people voted for a general obligation bond issue of \$792 million; these funds plus the use of \$180 million in bay bridge tolls plus the sale of revenue bonds for the purchase of rolling stock for a total of approximately \$1 billion were necessary to help build this first phase of the BART rapid rail transit system in this nine-county area.

He advised that it has taken since 1953 to arrive at the point they are today. Their master plan calls for an additional 210 miles of the BART system by 1990 and they have capital costs for the next 15 years of at least \$2 or \$3 billion—but when the question was asked what they would do if farebox revenues were not adequate to pay for the maintenance and operation—what reserves or projections have been made to accommodate such a situation? They said that they had not made any provisions or projections on this issue because they had no way to ascertain the continuing operating and maintenance costs.

The expensive burden of peripheral services alone—for example, they had to have a 105-man police force because they could not get the cities and counties to provide security for BART patrons—and so-called start-up costs of operating a system cannot be met by the farebox per se. They require additional financial support to do the job properly. So, if we are trying to get people out of cars and into mass transit, there simply is just not enough revenue available from the farebox to liquidate capital bond redemptions and meet the ever-increasing maintenance and operating costs without pricing mass transit out of the market.

Dr. William J. Ronan, vice chairman of the Port Authority of New York and New Jersey testified that the State of New Jersey and the State of New York

are now putting in at least \$60 million or more a year to keep the railroads that serve the port's area of responsibility operating. In a recent communiqué I received from New Jersey Gov. Bill Cahill on the crisis proportions of the bankrupt railroads serving our State, he advised me that the State has struggled within the limits of its financial and constitutional capacities to seek solutions but the dimension to today's crisis in mass transportation now goes far beyond the fiscal resources of our State—and for that matter, any State—to cope with. Federal assistance is a must.

You cannot solve the air pollution problem unless we do something on mass transit in this country. It has gotten to the point where it appears that the administration is going in a direction that in order to solve our environmental problems the Environmental Protection Agency is literally considering and has recommended a plan for different urban areas of our country which would prohibit and limit the use of the private passenger car in these urban centers. Will they soon be regulating—because of air pollution, *et cetera*—that a person will be relegated to having one car for riding in the city and another car for riding in the country? This assuredly is fuzzy thinking at best and it seems to me that in today's era of time and space when the wonders of man's greatest achievements are still on the drawing board—and not a *fait accompli* that we certainly ought to be capable of resolving our people's transportation dilemma. The straightforward truth of the matter is that the present administration and, yes, the Congress refuses to establish a national transportation system as a major national goal.

When we talked about the realities of the new BART system in San Francisco, we talked about and debated the point of view of operating subsidies. The minute you mention subsidy everybody runs and hides. But everybody testified to the point that the States simply cannot carry the cost of the mass transportation system themselves. They have to have additional financial aid, particularly until they reach a revenue-producing level from fares collected. We must evolve a system that is going to work without the continual bankruptcy situations that are taking place throughout our country and, most particularly at present, the crisis facing the Northeastern region of our country, including my State of New Jersey. If we do not do something right now in this Congress to make the investment in mass transportation, the need for which is so obvious, we literally are courting economic disaster.

Have we deteriorated to a point in this country where we refuse to make the investment that is needed, not out of emotion, but out of essential necessity? The whole economy, the flow of capital, the environment, people's jobs, all of the factors we are talking about that make America great, are intertwined and based upon decisions we make today. Let us not resort to running for paste and glue and fighting with the fact that we have to deal with this issue. There is no question in my mind that we cannot

continue to rely on the private automobile alone for our transportation needs.

We must face up to the fundamental basic problem and essential need to establish an integrated transportation system throughout our country, and particularly to provide the desperately needed adequate Federal funds to be able to achieve this goal, which includes subsidization of operating and maintenance costs of rail and bus lines which is vital to the solution of the problem.

Mr. EDWARDS of California. Mr. Chairman, today the House is faced with an important choice regarding our Nation's future urban transportation systems. H.R. 6452 represents an important step forward in improving the quality of mass transit in our country with the resulting benefits of cleaner air, less highway congestion, and decreased energy consumption.

The main innovation contained in this bill is the first authorization ever of operating subsidies to public bodies which run transit systems. Contrary to what many people believe, such subsidies will not bankrupt the public treasury but will increase ridership and revenues because of lower fares and improved service.

Another very important provision of the bill increases the Federal share of the mass transit capital grants program. This increase, from two-thirds to 80 percent, will greatly aid many transit systems by helping them purchase more of the necessary equipment to further improve their service.

Both of these provisions will undoubtedly help the transit agencies in my own district. The Santa Clara County Transit District with a \$4.9 million Federal grant is purchasing 90 new buses and in other ways vastly improving service while keeping the average fare at a very low 23 cents. The Bay Area Rapid Transit District is building up an extensive network of rapid rail transit for the entire Bay area, including southern Alameda County. With the help of a comparatively modest amount of Federal funds BART has created an innovative example to other regions of how our vast urban transit problems can be solved. The increased capital grants and operating subsidies provided by this bill will be of great assistance to these agencies and others in providing the Bay area with one of the best transit systems in the Nation.

I would like to commend my colleagues on the Banking and Currency Committee for the tremendous amount of effort they have put into this subject and the fine bill they have reported out. I urge my colleagues to support this bill and help mass transit in our country provide the viable alternative to the automobile that is so desperately needed.

Mr. DOMINICK V. DANIELS. Mr. Chairman, urban transportation represents one of the most troubled areas of our national economy and every day life. It is beset by numerous problems, so universal in their occurrence as to be of national concern.

Seventy percent of America lives in urban areas with the concentration becoming greater each decade. The effec-

tive metropolitan areas of cities are being extended farther and farther, and, as a result of the auto, in every direction as people move to the suburbs. These great and growing masses of people have correspondingly large demands for intraurban transportation for travel to and from work, for the conduct of business and commerce, for shopping, and for recreation and other special needs.

However, the large and growing demands for transportation have not been matched with the overall means of providing such services. Mass transit, which should be expected to provide most of the transportation, has in the past two decades been victim of a vicious cycle of increasing costs, declining profits, declining patronage, decreasing quality; increasing fare levels and further declining patronage.

Between World War II and 1971 average fares have tripled, going from 8 cents to 24 cents; total passengers have dropped from 23 billion to 8 billion; and annual operating income of \$149 million has reversed to a deficit of \$130 million. This relentless spiral has seen the demise of over 100 transit companies during this period, and has placed many others in a position of near insolvency.

Mass transit as a national policy is obviously far more desirable than the current mess on the highways, in the tunnels and over the bridges. Moreover, it is cheaper for each of us as consumers as well as taxpayers.

It costs taxpayers far less to construct necessary mass transit facilities to provide fast transportation to and from work than it does to construct massive lanes of highways, tunnels and bridges. Consumers could probably do without or use less a second car, saving money on gasoline, taxes, insurance and upkeep. In addition, there would be fuel savings in an era of scarcity.

There is no question but that the automobile is the cause of massive pollution in urban areas. In addition to causing severe lung problems, a study in Washington, D.C. suggests that auto traffic is the cause of abnormally high lead levels in the blood and is associated with brain damage over a period of years.

The long and nerve-racking drive to work, the health and pollution problems, the massive amounts of fuel consumed merely in the New York—New Jersey metropolitan area, and wasteful costs are the benchmarks of our failure to move people from home to work and back.

We cannot afford as a national policy to perceive mass transit as a luxury or even as a mere alternative. It is in fact an absolute economic necessity around which all other transportation policy must revolve. In an hour, a lane of highway can accommodate only 1,200 cars provided they maintain an average speed of 70 miles per hour, which they cannot. Even if every auto carried five passengers, which they do not, only 6,000 persons an hour could move over a single lane.

Mass transit can carry 8 times as many people in the same time period, 120 50-seat buses can carry 6,720 riders one way each hour. On special bus lanes they

can almost guarantee a speed of 70 miles per hour. Merely 40 rapid transit cars can accommodate as many as 48,000 patrons. Even the old 3-car streetcar units could carry 14,400 passengers one way.

To carry the same number of people as mass transit is capable of carrying in an hour, we would have to design 21 one-way highway lanes that could accommodate 32,000 automobiles every 60 minutes.

It is absolutely essential that there be a national policy favoring mass transit over the private automobile as the predominant means of regular commuter traffic. This does not mean that the private automobile has no place in our lives. But its use should be confined to filling in the gaps in our ability to move about from one central area to another, as a means of converging from outlying areas, or for recreation.

Mr. Chairman, this country needs the new breakthrough in transportation that this bill offers in the form of operating subsidies. Our urban areas are at a standstill. Each new commuter highway we build becomes a rush hour parking lot. On the other hand, in every city that has experimented with subsidized transportation, the number of mass-transit users as well as total public acceptance has increased along with service and efficiency.

In Atlanta, the decline in mass transit use was reduced when the private transit company was purchased by the local government, fares were cut, and service and equipment improved. Moreover, pollution decreased and those persons who actually required the use of an automobile were able to get around without traffic jams. The number of passengers increased among the very group that had earlier abandoned mass transit as a means of getting to and from work—businessmen with incomes over \$20,000.

Similarly in Iowa City, Iowa; Commerce, Calif.; Rome, Italy and Toronto, Canada, experiments with free and subsidized transit have proven that if service is inexpensive, efficient, and comfortable, ridership will show a substantial increase and everyone will get about easier and faster.

While this bill doesn't go that far, many transportation experts advocate no-fare transit systems. They view urban transportation as any other public service such as police, fire and education. The Atlanta transportation chief likened urban transportation to elevator service:

In an office building elevators are provided regardless of cost so people can get to the upper floors. Public transit must be considered horizontal elevator (providing) the fifth freedom.

I think we ought to stop thinking about public transportation as a local business—as a department store or a grocery. We do not expect to pay the police every time they answer a cry for help, the fire department when they put out a fire, or teachers for each lesson. A community depends upon its transportation system to maintain its economic and social life. Where people, ideas, and products can converge and move about freely, there will be economic well being. Where they cannot there will be stagnation, mistrust, and deprivation.

Mr. Chairman, transportation has value only to the extent that it contributes to the quality of the human life it serves. The automobile was acclaimed as a new means of extending freedom of mobility. We mistakenly placed our total reliance on it, and we ended up deprived of that mobility. Whatever value the automobile once promised, has been lost by poor planning and imbalanced priorities. This legislation would serve as a beginning of those new priorities.

Mrs. HOLT. Mr. Chairman, I rise to express my opposition to the utilization of Federal funds to subsidize operating expenses of mass transit systems.

Historically, the role of the Federal Government has been confined to assist State and local governments in funding capital expenditures associated with mass transportation facilities. Section 2 of the bill before us will alter this role and authorize the Secretary of Transportation to provide operating subsidies for State and local governments according to a formula based on total population, number of passengers, and total vehicle miles.

The central question before us is not the level of authorizations for such subsidies or the fairness of the formula but whether the Federal Government should venture into this uncharted area. I strongly oppose such subsidies for several reasons. First, there is no question in my mind that the provision of operating subsidies will eventually lead to complete control of local transit systems by the Department of Transportation. Second, the costs of this proposal will continually skyrocket and reduce the incentive or need for local governments to run an efficient system. And, finally, this proposal would result in all of the taxpayers being forced to contribute to the mass transit systems of a few large, urban areas.

Mr. Chairman, America needs more mass transit facilities and I support a continuing Federal commitment to meeting this need. However, I see few benefits and many problems associated with Federal aid to cover operating deficits of these systems.

I strongly urge my colleagues to reject these subsidies and stick to programs which will solve rather than compound transportation problems.

Mr. RANGEL. Mr. Chairman, as a citizen and Representative from the great city of New York I know the importance of urban mass transportation systems. New York could not exist without its subways and its buslines. It barely survives with them. Yet increasingly New York is being forced to subsidize by itself its mass transportation system while other important citywide services continue to be under funded. Why should New York City alone pay for a mass transportation system that serves 1 out of every 12 Americans? Such massive financial burdens should not fall on only our city. Just as the benefits are regional and national, the responsibility is a regional and national one. A city is not the appropriate unit to have to provide such subsidies, even if it could raise the necessary revenues.

In 1972, New York's mass transporta-

tion cost over \$1 billion to operate while fare box revenues amounted to only \$640 million. The operation cost deficit will continue to increase but the city's heavy subsidy to the system can not.

Fare increases are not the answer to the problems of subsidizing urban mass transit. Along with every fare increase comes a substantial decline in ridership. This pattern is being experienced throughout the Nation. Declining ridership leads to the familiar cycle of greater automobile use, falling revenues, and deteriorating service. With the greater use of cars, a city experiences increasing air and noise pollution, traffic congestion, and pressures for land use planning to take care of the greater usage of cars.

In order to maintain a cheap and efficient mass transportation system outside help is needed now. And the answer is not a revenue sharing provision which would in effect deprive or tieup desperately needed funds for New York's system.

Neither are grants that force the city to match a certain percentage of Federal funds practical. It is ridiculous to have cities matching Federal grants when cities cannot even pay for their own safety, sanitary, and maintenance services.

What we have before us in this bill is a very reasonable and fair set of solutions to the many problems that plague mass transportation. Operating subsidies in the form of non-matching grants would enable transportation authorities to maintain or possibly even lower current fares while increasing the number of services that could be provided by the system.

This bill does not solve only city problems, but regional ones as well. By strongly emphasizing regional transportation systems and agencies, Federal operating grants serve the outlying suburbs by subsidizing cheap and efficient means of getting into and out of the central city.

The establishment of the Mass Transportation Advisory Councils takes care of all planning functions and helps coordinate policy between city, State and Federal agencies.

There must be some form of assistance for mass transit in our cities. Fair and adequate assistance can only come from the Federal Government—specifically in the form of H.R. 6452.

Mr. VANIK. Mr. Chairman, every Member of this body is aware of the need for less reliance on automobiles in urban transportation. The need to diminish our dependence on automobiles is obvious to us each day—in a continuing gasoline crisis, in smog and air pollution levels unprecedented in our experience, in sorrowful traffic fatality rates, in urban congestion that makes our cities nearly impassable and consumes valuable space in superhighways and parking lots. Congestion encourages the flight of jobs and businesses to other places; the final result is urban decay.

The bill H.R. 6452, which amends the Urban Mass Transportation Act of 1964, helps us to offer alternatives to our unfortunate addiction to automobiles. It helps sustain the beginning of what I

believe must be a growing Federal involvement in the problems of American transportation and its related issues of pollution, energy consumption, and excessive land use.

The benefits of urban mass transit in a typical major American city can be seen in a study released this summer for use in transportation planning in northeast Ohio. Prepared for the Urban Transportation Task Force five-county transit study and entitled "Interim Report: Five-Year Transit Development Program," the study provides some useful insight into urban transit problems and needs in a highly urbanized area. In one part of the study, it was found that the net benefits of the present Greater Cleveland area public transit systems were \$6.15 million annually. The report noted that:

One way of describing [the benefits] is to say that one might justify expending up to that amount annually in subsidy payments if they were needed at present fare levels and it was desired to retain these benefits for their present recipients.

The benefits are broken down as follows:

TABLE II-2

*Summary of economic benefits of present transit services—itemized changes method*

	Benefits to existing users	No system change
(In millions)		
1. Time savings	\$4.09	
2. Operating cost savings	—10.44	
3. Parking cost savings	3.75	
4. Insurance cost savings	2.70	
5. Additional vehicle ownership savings	3.32	
6. Accident cost savings	2.73	
Total annual economic benefits		6.15

The reason for the very large benefits from urban mass transit and the importance of the system in the Cleveland area can be seen from the following quote from the five county study:

"As a result of this concentration, public transportation serves an area transport function far more important than the number of trips served would suggest. On an annual basis, only about *four percent* of person-trips in the study area are made by means of public transportation. Over half of all transit trips, however, are made during the weekday peak periods, and two-thirds of peak period trips are to or from the central business district of Cleveland. The use of transit is so much concentrated in this way that over 40 percent of the Cleveland CBD labor force travel to and from work via bus or rapid. At peak rates, transit riders generated an estimated 200,000 person-miles of travel, mostly over congested radial routes near the center of the region. This is equivalent to about 150,000 vehicle-miles, which would require road capacity of 100 to 150 lane miles. Thus the public transportation system, even at its current much-reduced scale, provides valuable and substantial transport capacity that would be difficult or impossible to provide by expansion of the highway system, particularly when the requirements for added parking and circulatory facilities are included."

Despite the tremendous benefits from mass transit systems, both public and private transit systems are currently dying a slow death all over the United States. Rising fares necessary to pay

operating costs unfortunately result in a downward spiral of decreasing ridership levels and continuing decreasing revenue as well. Often, once those riders are lost, they will never return; they seek jobs away from the city or resort to autos further clogging the city streets. This pattern has certainly proven true in Cleveland. In 1967, the base fare on the Cleveland Transit System was 25 cents. By April of 1973, it had increased to 50 cents, certainly one of the highest in the Nation at that time. This 100-percent increase in fare is a particularly severe hardship on a major proportion of the system's ridership, many of whom are on fixed or low incomes. Naturally, this has led to reduced ridership—with the result that there has been further downward pressure on passenger revenue.

But despite a poor record recently, municipal trains and buses and rapids have a tremendous potential for alleviating the problems of auto transportation. A single bus, for example, can displace from 30 to 60 automobiles at almost twice the energy efficiency of a car per passenger mile. Of course, municipal rail transit can be even more efficient than bus transport.

Mr. Chairman, the bill before the House today, which provides operating and equipment purchase assistance, is vital if the decline of our urban transportation systems is to be reversed. It is important to note that it is simply not good enough to freeze the service of our present bus and transit systems at their present level. Ridership has been declining not only because of increased fares but because of poor, uneven, and slow service. Service has to be improved, not just restored. Innovative, imaginative, creative thinking must be employed to provide truly fast, efficient and convenient systems. Only then will we find ridership returning; only then will we receive the full beneficial potential of urban mass transportation systems. The Five County Report made the following observations concerning a "freeze" policy:

"Four causes of ridership loss were identified. These are auto ownership growth, spreading land use patterns, fare increases, and transit service cuts. The two causes that are of transit origin, fare increases and service cuts, could be avoided if public funds were used to subsidize operating costs, so that both fares and service could be held constant year by year. The probable results of this "freeze service and fares" policy are examined in this section.

"Because two of the four causes of ridership loss would be unaffected by this "freeze", a projection of transit riders for the five-year period shows an annual loss, although the rate of decline would be much less than under the "do nothing" assumptions. Annual ridership is projected to decline from 61.2 million in 1973 to 51.1 million in 1978, a drop of 16 percent.

"During the same period, the escalation of operating cost rates would cause total operating cost to increase rapidly, from \$34.7 million in 1973 to \$45.2 million in 1978, despite a projected five percent drop in service from 1973 until the assumed "freeze" would begin in 1974.

"While operating costs would rise each year, fare revenues would drop due to the annual shrinkage of ridership. Fare revenues would fall from \$34.6 million in 1973 to \$28.6

million in 1978. Consequently the operating deficit, paid by subsidy, would grow rapidly from a near break-even position in 1973 to a loss of \$16.7 million in 1978. Over the five forecast years, 1974 through 1978, operating losses would total \$45.9 million or an average of \$9.2 million per year.

"In addition to operating subsidies, equipment replacement costs would be incurred. Replacement of over-age buses and rail transit cars would require local matching funds of \$6.5 million, or an average of \$1.3 million per year through 1978."

**PROJECTED RESULTS OF A "FREEZE SERVICE AND FARES" POLICY FOR PUBLIC TRANSPORTATION**

	Projected annual amounts <sup>1</sup>					
	1973	1974	1975	1976	1977	1978
Riders <sup>2</sup>	61.2	57.5	55.9	54.3	52.6	51.1
Operating cost (dollars) <sup>3</sup>	34.7	34.5	36.8	39.2	41.9	45.2
Fare revenue (dollars) <sup>4</sup>	34.6	32.2	31.3	30.4	29.4	28.5
Operating subsidy (dollars)	.1	2.3	5.5	8.8	12.5	16.7
Local share, capital (dollars) <sup>5</sup>				3.4	.6	.5
Total local costs (dollars)	.1	2.3	8.9	9.2	13.0	18.8

<sup>1</sup> All amounts are in millions annually.

<sup>2</sup> Person-trips rather than transit rides.

<sup>3</sup> Based on freezing service at 28,700,000 bus and rail vehicle miles annually (projected 1974 level).

<sup>4</sup> Based on freezing fares at present and anticipated 1974 level (average 56 cents per trip).

<sup>5</sup> Based on replacing all over-age vehicles. A regional replacement program started in mid-1974 would see first deliveries in 1975.

Of course, the cost—both to individuals and to society as a whole—would be much more severe if we provide no assistance, if we "do nothing."

As the five-county study concluded:

"The results shown, however, are indicative of the problem that is faced if a permanent solution to public transportation service is to be found. Even a "freeze" on service and fares will produce ever increasing operating subsidies but still not arrest the decline in ridership. If both the amount of service provided and the number of trips served are to be stabilized or made to grow, substantial public transportation improvement must be achieved."

Only by providing Federal assistance, through the bill before the House today and through an opening up of the highway trust fund, can we provide our Nation's mass transit systems with the financial breathing room to recover and restore service to a level that can really serve to counteract our urban problems of congestion, pollution, and energy consumption.

In addition, the funds provided by this bill could—with local support—result in significant expansions of mass and rapid transit systems. The communities which I represent in the eastern Cuyahoga County, Lake County, and Geauga County, Ohio, offer a remarkable example of areas in which rapid and mass transit lines could be extended. The Five County Study described at least three major extensions in this area that could service tens of thousands of commuters each day. For example, while there is some debate on the priority of an extension of the Shaker Heights Transit System, the Five County Study concluded that it has a high priority and is justified in light of:

The opportunity for improved economic viability of transit;

The growing need for traffic relief in the corridor;

Removal of the Clark Freeway from highway plans, placing increased emphasis on transit improvement;

Ease and low cost of construction;

Tendency to balance passenger loadings between the two Shaker branches.

Review of ridership potential for this alternative shows plainly that little gain can be achieved unless park-ride connections with I-271 are provided. The extension would little expand walk-to-transit potential due to the low residential densities, and surface street access already is adequate to the Green Road park-ride facility, which is not quite fully utilized. Direct linkage with the freeway, on the other hand, would provide convenient access from points near or beyond the next interchanges in each direction and permit attraction of significant new ridership.

While the connection between rapid and I-271 is seen as vital to the extension, it also is recognized that local area residents, particularly those living west of I-271 along Shaker Boulevard, may oppose establishment of a general traffic interchange between the freeway and Shaker Boulevard. Such a highway traffic interchange is by no means required as part of the transit facility; consequently this alternative is shown in the preliminary engineering, which follows, as a plan providing ramps connecting *only* to transit parking.

#### PRELIMINARY ENGINEERING

An extension of the Shaker Heights Rapid Transit, Shaker Boulevard Branch, easterly to I-271 will enable transit riders to reach a station directly from I-271.

Under this proposal, marked E-1 on the drawings, the Shaker Branch will be extended in the median of Shaker Boulevard from the existing terminal at Green Road, to a station and 1,500-space parking area located within the median of Shaker Boulevard, immediately west of I-271.

Ramps will be provided to allow both northbound and southbound I-271 traffic to exit directly into the parking facility and permit motorists to return to either northbound or southbound I-271.

With this interchange configuration, motorists could enter and exit into the transit parking facility only; the interchange would not serve Shaker Boulevard. A possible plan for the interchange-station area would relocate the eastbound Shaker Boulevard roadway past the site, as shown on the drawings.

A station, without parking, will also be provided between Sulgrave Road and Shakercrest Road, providing access to both.

Further possible extensions of the transit line from I-271 could be located along Gates Mills Boulevard, north or south along I-271, or into future developments in the vicinity of I-271 and Shaker Boulevard.

In addition to the right-of-way and construction, \$3,600,000 for additional rolling stock is required. Thus total capital cost is approximately \$12.9 million.

An extension of the Cleveland Transit System East Side Rapid Transit line through Euclid and toward Lake County is described by the five-county study as follows:

The present east side terminal of the CTS rapid, at Windermere, is well inside the extent of peak-hour congestion and not an attractive site for park-ride or other major access. Easterly extension could provide expanded park-ride capacity, improved travel times and direct no-transfer service to addi-

tional significant destinations. Extension as far as I-90 would offer potentially excellent intermodal exchange. Assumption of termination there would permit uniform evaluation in comparison with the Lakeland Freeway Busway alternative. Further extension may be warranted.

Right-of-way for such an extension appears readily available, and construction problems should be sufficiently minimal as to permit completion within the five-year TDP period.

Finally, Mr. Chairman, I want to commend the committee for its action in including provisions in this legislation for "quasipublic development corporations." As the committee report indicates, this section seeks to encourage—

More socially, economically, and environmentally sound patterns of land use in the areas immediately adjacent to transit corridors and station sites. Your committee believes this section will help prevent hodgepodge development and environmentally unsound land speculation along transit corridors and near transit stations.

In 1970, I testified before the committee on the need to tie our transit development plans to our plans for rural development. A rapid transit route, carefully planned and supported by adequate land use zoning, would be the best way to insure orderly industrial, commercial, and residential development of our expanding suburbs, while also guaranteeing the preservation of necessary green space and recreation land. I am hopeful that numerous communities take advantage of this provision incorporated in this urban mass transit bill, so as to bring about a greater degree of rational urban development.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of H.R. 6452, the Urban Mass Transportation Act of 1973.

We must use foresight in passing this legislation today if we are to avoid the accelerating problems we face tomorrow in terms of growth of population, congestion, pollution, a looming energy shortage, and increasing deaths by automobiles.

The district which I represent is a microcosm of all these problems and more. It will not be too long before my district has the highest density of population in the country, comparable only to Hong Kong. Many communities across the United States are in a similar position, and it is therefore necessary that Congress enacts legislation which will provide our citizens with alternative forms of mass transit facilities.

In many areas, work has already begun in attacking the problem. In the southern part of my State, for example, the Lindenwold-Philadelphia high-speed line has proven a huge success, and has demonstrated the fact that if people are offered an alternate form of transportation, they will make use of it. Southern New Jersey commuters can drive to the high-speed line, park their cars and ride quickly and comfortably to Philadelphia. They save themselves time and money, as well as wear and tear on their cars. By comparison, the city of Philadelphia is relieved of additional congestion, pollution, and a strain on limited parking facilities.

When the metro subway is completed

in Washington and surrounding areas, the situation will be similar. Maryland and Virginia commuters will find it more advantageous to leave their cars at home and take the subway. The San Francisco Bay area has recently inaugurated a high-speed line to encourage commuters to leave their autos at home.

I want to add that the Europeans, and most particularly the Japanese, have long ago begun providing mass transit facilities for their people. We can do no less for our own citizens.

I want to compliment the House Banking and Currency Committee, and the work of Congressman JOSEPH MINISH, for including a provision that the handicapped and the elderly will pay half fares or less during nonpeak hours. The needs of these citizens are oftentimes neglected, and this provision will assure not only the assistance they need, but help to defray operating costs during nonpeak hours.

Mr. Chairman, I strongly urge my colleagues to pass the Urban Mass Transportation Act of 1973. To delay this legislation any longer will present us with insurmountable problems in the very near future.

Mr. BINGHAM. Mr. Chairman, I rise in enthusiastic support for the Urban Mass Transportation Assistance Act of 1973 (H.R. 6452). This legislation and a similar Senate measure demonstrate congressional recognition of the need for a balanced transportation policy and the importance of the Federal Government in encouraging that balance. Up until now our Federal transportation policies have favored auto use through massive aid for highways and tax breaks for auto owners not available to mass transit riders. These tax breaks alone cost the Federal Government an estimated \$1.4 billion in lost revenue in 1973. This encouragement for auto transportation has been immensely successful, except for the fact that we now find ourselves facing three resulting crises; pollution, energy, and urban transportation.

With the enactment of the Urban Mass Transportation Act of 1964 and its 1970 amendments, Congress indicated its awareness of the need to assist our Nation's mass transit systems. As in the past when Congress recognizes its responsibility to support and encourage the healthy development of an industry which is so vital to the public good. Funds were committed in these acts for capital improvements, research, and planning in mass transit, but at a relatively low level compared to highway aid.

Since I first came to Congress in 1965, I have been working vigorously to help redress this imbalance through opening up the Highway Trust Fund for mass transit purposes at local option. Finally this year, Congress enacted legislation accepting this approach in principle but phasing it in slowing over the next 3 fiscal years and limiting the aid to capital improvements only. Unfortunately, it did not go as far as I had proposed, but its adoption represents an important victory in the cause of balancing highway needs against mass transit requirements.

Despite this past and promised Federal assistance, mass transit systems in large and small cities across the Nation are in dire financial difficulty. This is an industry with a serious problem: Those who use its services are those who can least afford to pay through the fare box the kinds of increasing operating costs which the industry is experiencing. Many persons on medicare have a similar problem in regard to their premiums and the Government's answer is to subsidize such health care costs. But the Federal Government up until now has resisted operating subsidies for mass transit thus leaving it up to State and local governments to fill the void in order to keep transit fares at reasonable levels.

The alternatives for these governments are not attractive: Raise fares, decrease service and safety, which result in diminishing financial returns as more and more riders opt for automobile transportation. Cities facing a deadline for compliance with air quality standards, gasoline shortages, and traffic tieups can ill afford such results. State and local government operating subsidies for mass transit in 150 communities reached \$513 million last year. Of these cities, those which have provided funds to lower fares and thereby encourage people to use the transit facilities have been rewarded by massive increases in ridership and a certain financial stability in their systems.

This is what happened in Atlanta which dropped its fares from 40 cents to 15 cents and increased patronage by approximately 11 million passengers. San Diego had a similar experience. Its subsidy dropped fares from 40 cents to 25 cents which resulted in a 36-percent increase in ridership. However, State and local governments are reaching the limit of their ability to take over and subsidize their mass transit systems. The problem is especially critical in small communities where private transit companies are failing at an alarming rate. While in large urban areas like New York City, part of which I represent, the deterioration of the existing mass transit system, and the specter of a 50-to-55-cent fare in spite of a State-city commitment of millions in operating subsidies are indications of a growing crisis with severe national consequences which mandate Federal cooperation and support to save this public service industry.

So I believe Federal help in the form of operating subsidies as provided in H.R. 6453 is clearly necessary and justified. If we can accept the responsibility of assisting mass transit for the good of the Nation as a whole and redressing the imbalance of our transportation policies which have existed for years, then how can we reject the most necessary kind of aid—operating subsidies? One Member of Congress noted that our present policy of providing capital and planning assistance without operating aid is like helping someone buy a car but leaving him without the necessary funds to pay for gas. A relatively small Federal investment in the operation of mass transit systems will bring a large return, as Atlanta and San Diego have discovered, in stabilizing an industry which is a cornerstone of the

solutions to our energy, pollution and transportation problems.

H.R. 6452 as reported by the House Banking and Currency Committee for the first time offers Federal operating assistance, but at a modest level of \$400 million in 1974 and a like amount in 1975. Capital assistance and planning programs are also provided for in this legislation, but they have already been enacted into law with my vigorous support in the Federal Aid to Highway Act of 1973—Public Law 93-83. There are safeguards in H.R. 6452 designed to insure that this subsidy money will produce the desired results: A healthy mass transit industry as well as service for the public good. To see to it that all communities in need receive their fair share of subsidy money, the allocation of grants is based on a three-part formula: Population of the area served, number of passengers carried, and total revenue vehicle miles traveled.

The formula, the committee has noted, will encourage progressive and responsible management since improving service and increasing ridership will bring grantees more Federal aid. State and local bodies eligible for grants under this program would be required to submit to the Secretary of Transportation a comprehensive mass transportation service improvement program designed to enhance service, and place the grantees operations on a sound business and financial basis. They would also be encouraged to include plans to provide disincentives for the use of the automobile in heavily congested urban centers. Thus H.R. 6452 seeks to work hand in hand with the Clear Air Act of 1970.

To further emphasize the Government interest in the public service aspect of this industry, grantees must allow the elderly—those 62 and over—and the handicapped to travel on half-fares during nonpeak hours. This requirement is of immense importance to our urban elderly and disabled poor.

H.R. 6452 also recognizes the need for participation by the public and interested local parties in mass transit planning. The bill provides for the establishment of mass transportation advisory councils made up of representatives of the general public, the business and professional community, the labor force, community organizations, and affected local governments. These councils will review mass transit policies and decisions and provide a vitally necessary input into transportation planning.

In conclusion, H.R. 6452 offers an intelligent approach to a critical problem and deserves the support of all of us who are concerned about maintaining the health of our urban areas, fighting pollution, relieving the energy crisis, and insuring the mobility of our society, especially the poor, the old, and the handicapped. I urge passage of H.R. 6452 as a vital step toward a balanced Federal transportation policy.

Mr. BADILLO. Mr. Chairman, I rise to register my enthusiastic support of the Urban Mass Transportation Assistance Act of 1973 and to urge my colleagues to resist attempts to limit or weaken this vital and long-overdue legislation.

It is significant that today marks the first occasion on which the House has had an opportunity to vote on legislation specifically designed to provide operating assistance for urban mass transportation. Just this week, the Senate for the fifth time in the last 4 years voted approval of such a program. Further delay or inaction by this body would be deplorable.

In its report last February, the Joint Economic Committee asserted:

The arguments for restricting direct mass transportation aid to capital expenses are without basis. Furthermore, a grant to subsidize capital but not operating expenses encourages wasteful, premature replacement, overcapitalization of technology and inadequate maintenance, which are likely to be extremely costly.

No one argues the fact that more and more bus and rail transit systems throughout the Nation are threatened with bankruptcy. As these systems go under, more and more automobiles are added to the steady stream that is already choking our cities. Those systems which remain in operation are forced to raise their fares time and again, resulting in a decline in total riders and higher daily transportation costs for lower income workers, who already are being cruelly hit with the penalties of inflation.

Opponents of this legislation argue, however, that the plight of urban mass transportation is a local problem that must be met with local resources. That is tantamount to saying that the Federal Government has no obligation to help save the Nation's cities and I reject that assertion totally.

Modern, safe, convenient, and economical mass transit is the lifeline of our urban centers. A viable metropolitan economy depends on it. No effort to improve the quality of our air can succeed without it. And the costs involved just are too great for the States and localities to bear alone.

The funding levels authorized in the bill before us are modest, perhaps too modest, and I will support efforts to increase them. At the same time, I realize that the political situation is such that the figures contained in the bill—\$400 million in each fiscal year 1974 and fiscal year 1975—may be the best we can achieve. The key accomplishment, in my judgment, is to get the principle of Federal support for operating expenses enacted into law.

This legislation will provide valuable and timely assistance to New York City, which is faced with raising its transit fares just to maintain the admittedly inadequate levels of mass transit service. The voters of New York are also being asked to approve a State \$3.5 billion transportation bond issue, which includes mass transit funds. The bill before us today represents just one element in what must be a total commitment involving government at all levels and if the administration believes in its own rhetoric about forging new partnerships with the States and localities, it should be behind this bill.

At the appropriate time, Mr. Chairman, I intend to offer amendments to add emphasis on safety to the criteria for local mass transit plans as required by

this legislation. I urge support for those amendments and for the bill.

Mr. DONOHUE. Mr. Chairman, I intend to support and I very earnestly hope that this pending bill, H.R. 6452, the Urban Mass Transit Assistance Act of 1973, is overwhelmingly adopted, in the public interest, by the House this afternoon.

The basic purpose of this measure is to attempt to deal, as effectively as possible with the very critical problems of pollution, congestion, and the energy crisis.

This purpose is to be achieved by extending Federal assistance to our Nation's mass transit systems for the operation of these systems and not for their capital needs. The evidence presented here today emphatically shows that the crisis in mass transit extends beyond the borders of big cities and large metropolitan areas into smaller and more medium size cities, like my own home community in Worcester, Mass. In these comparatively smaller cities, the operating deficits are greatest and the transit problem is therefore the more urgent.

It is quite clear, from all the available facts and testimony, that improved mass transit is absolutely essential to the accomplishment of our local and country-wide objective of reducing private auto traffic and its accompanying congestion and pollution. If that objective is not attained, it is obvious that there will result the most severe economic consequences for the Nation as a whole.

Mr. Chairman, I think it is very pertinent, in our deliberations here, to point out that experience and the record demonstrate that operating aid to mass transit systems does, in fact, result in increased ridership, lower fares, stable or declining deficits, and improved service. Many examples of the success of transit operating subsidies, such as those in San Diego, Tulsa, Atlanta, and other places have been recited here this afternoon.

It should also be noted, Mr. Chairman, that this bill contains provisions of safeguard against any misuse of this Federal aid because of the formula that is involved and the performance requirements of increased ridership, improved scheduling, equipment upgrading, and substantially improved service.

Another very important feature of this measure is the section that responds to the 1971 White House Conference on Aging declaration that it should be Federal policy to increase transportation services for the elderly and the handicapped. Because of the serious lack of currently adequate intercity transportation, the elderly and the handicapped are too often practically forced to forgo necessary shopping, seeing their doctors, visiting relatives, going to senior citizen centers, and attending other social activities that enlarge and enrich their later years.

Therefore, by the adoption of this bill, with its provision of reduced rates during nonpeak hours, very great numbers of elderly and handicapped persons in this country will be substantially benefited and enabled to more fully participate in the activities and programs that make their special time of life more

bearable and productive, as it ought to be.

In substance, Mr. Chairman, the proposed funding in this bill is modest, indeed, in view of its objectives and the urgency involved is imperative. The projected plan will undoubtedly provide more efficient, economical, and convenient mass transit service and eventually it will place mass transit on a stable financial basis. Therefore, I most earnestly urge the House to resoundingly approve this bill in the national interest.

Mr. ASHBROOK. Mr. Chairman, there are several major problems with H.R. 6452, the Urban Mass Transportation Assistance Act of 1973. First, why should taxpayers of the 17th Congressional District of Ohio help subsidize the staggering urban mass transit deficits of New York, Boston, and Philadelphia? This bill would do just that. New York City would need one-third of the bill's authorization of \$400 million for operating subsidies to cover last year's deficit alone. I can see this program easily mushrooming into a billion-dollar-a-year program. We cannot afford programs like these if we are serious about cutting Government spending and putting a stop to inflation.

Second, is this the best way to help develop better urban mass transportation systems? This bill would appear to benefit the huge cities such as New York and Chicago while smaller municipalities would not benefit proportionately. Additionally, the bill would give more power and responsibility to Washington by giving the Secretary of Transportation powers to design criteria for evaluating local transportation systems. Many of the problems that a local transportation system faces are unique to that system. A more sensible approach to alleviating the mass transportation problem may be to return some of the Federal Government's taxing power to the States in order that they may find their own solutions. Sending a problem to Washington, D.C., often leads to further problems, more bureaucracy, and higher taxes.

Mr. WOLFF. Mr. Chairman, I rise in support of the Urban Mass Transportation Assistance Act of 1973. As one who has actively worked on similar legislation to provide Federal support for urban transit facilities, I sincerely appreciate the work of the committee in getting this legislation onto the floor for a vote.

As a New Yorker, I am vitally aware of the importance of this legislation to our Nation's cities. For some time, many of us in the Congress have been trying to get through legislation like this to provide Federal operating subsidies for mass transit facilities on the grounds that improved mass transportation will benefit all the people, not only transit users. Fortunately, more and more people in and out of Congress are beginning to realize that an effective mass transit system will help to combat some of the problems that beset all of our people, problems like pollution, the energy crisis, and congestion and accidents on our highways.

The Urban Mass Transit Act which we are considering authorizes \$800 million over a 2-year period in transit operating subsidies. This provision represents a breakthrough which will unquestionably help to lower transit fares, improve services, and thus encourage expanded use of transit facilities. Since 1950, there has been a steady decline in virtually every American city in transit ridership. If this decline continues—and I feel it will without Federal operating subsidies—our cities are headed for real disaster, not only environmentally, but in terms of meeting their everyday needs through an effective intraurban transportation mode. For a very long time, we have been concerned with moving goods and people between urban and rural areas, and our present transportation systems effectively deal with this need. However, we have seriously neglected a problem equally as important, and that is, moving goods and people within our urban and suburban areas, where the majority of our populace now resides. It is time that we revised our transportation policies to recognize this need, and I feel that the bill we are considering today makes a significant step forward in that direction.

Over the past months, we have all been made acutely aware of the energy crisis that exists in our country today. Undeniably, our energy shortage has been aggravated by the enormous amounts of fuel wasted by the overuse of the automobile. Encouraged use of mass transit facilities, made possible by the operating subsidies in this bill, will help us to cut down on gasoline consumption and conserve energy for other pressing demands, like heating our homes this winter. This is a concern which faces not only urban areas, but the country as a whole.

I would like to stress that the operating subsidies in this bill are not a mere handout. They represent an incentive for systems to increase their patronage; grants would be made available only if a system produces a comprehensive plan for improved service.

It is imperative that the House pass this measure by a margin significant enough to convince the President that a veto would be overridden. It is no secret that the administration opposes this bill and would like to fall back on its own 1974 budget proposals for funding mass transit. It should be noted, however, that the administration's proposal would allocate only 6 cents of every transportation dollar for mass transit, with 57½ cents going to our highways. In view of our current energy, environmental, and highway congestion problems, the Congress must act to reorder our transportation priorities. I urge my colleagues to join with me in supporting the Urban Mass Transportation Assistance Act of 1973 if we are to truly balance our transportation policy and meet this country's transportation needs.

Mr. DRINAN. Mr. Chairman, I rise in support of the Urban Mass Transportation Assistance Act (H.R. 6452). I believe the authorization of \$400 million in each of the next 2 fiscal years for operating assistance grants to State and local

public transportation bodies and agencies to be in the best interests of our cities and our Nation.

The operating subsidy provision of this bill will be made available to applicants who have submitted to the Secretary of Transportation a comprehensive mass transportation service improvement plan. These 100 percent grants would be awarded according to a formula based on a population of the area served by the mass transit system, the number of revenue passengers carried, and the number of revenue vehicle miles traveled. The Banking and Currency Committee report points out that dwindling revenues in passengers, coupled with rising costs and fares have made "the public transit crisis national in scope."

Particularly important in this bill is an increase in the special mass transit services available to the elderly and handicapped. The bill will require that mass transit systems receiving funds provide half-fares for such persons during non-peak hours. The American Association of Retired Persons and the National Retired Teachers Association support this legislation. They cite an analysis prepared by the Bureau of Labor Statistics ranking transportation as one of the largest expenditures in the average retired couple's budget, accounting for 8.9 cents out of every dollar. The only categories with larger expenditures were food, housing, and medical care. Transportation, however, is important not only because of its expense, but also because of the dependence of so many other activities on transportation services. The elderly, in particular, are faced with the great burden of inadequate intercity transportation.

Mass transportation in urban areas can provide relief from the energy crisis, from automobile-caused air pollution, and from the congestion of the cities. Automobiles, whose manufacture and operation account for more than a fifth of all the energy consumed in the United States, are a luxury we can no longer afford. The Highway Action Coalition states that if we could shift one-fourth of urban travel in major metropolitan areas from private automobiles to public transportation, we could expect to save nearly a million barrels of petroleum a day by 1980.

Automobile-caused air pollution has become a major health hazard in many cities. The Environmental Protection Agency issued a report stating that in order to meet the Federal Clean Air Act air quality standards by 1977 at least 26 metropolitan areas in 22 States would have to reduce automobile usage in order to meet the minimum standards required under the law and for human health.

This is not the time to defer the vigorous pursuit of an effective public transportation system. Accordingly, I urge my colleagues to support this important measure.

Ms. HOLTZMAN. Mr. Chairman, I rise in wholehearted support of H.R. 6452—a bill that would provide Federal subsidies to help to defray the operating costs of mass transit systems.

There is no question that this bill would be of enormous assistance to New York City and would provide us approximately \$100,000 for the next 2 years. We have a desperate need in our city for improved subway services—a need felt not only by those who have to contend daily with hot, crowded, and inconvenient service, but those who have to contend with the effects of car use prompted by poor subway service. Reducing traffic would cut down on air pollution and noise pollution and the cost of keeping our roads and highways in good repair.

The significance of this bill is not, however, restricted to New York City alone. It is clear that we as a nation must make a commitment to mass transit and this bill is the first substantial step in that regard.

We cannot seriously deal with the energy crisis affecting us as a country unless we can substantially reduce the use of cars—and the only way to do this is to provide as an alternative convenient, prompt, and pleasant mass transit facilities. Our failure to make such a national commitment to mass transit would be in effect to bury our heads in the sand and ignore the disastrous consequences that will follow from the failure to reduce the use of gasoline and oil and the generation of air pollution by automobiles.

In addition, we as a nation must make a commitment to the well-being of our city. Over 70 percent of our population resides in urban areas. Failure to address the needs of our urban population would lead to a deterioration of these areas. I hardly need to remind my colleagues of the tax dollars contributed by the largest cities of this country and other urban areas, and the very small return that they receive in the national budget. This bill is not a money grab by cities, but simply a recognition of the national need to support mass transit as well as fairness to the taxpayers of the cities of this Nation.

I do, however, have a minor reservation about H.R. 6452. It makes no provision for public hearings by mass transit agencies or local governments when they seek to change routes or mass transit service in such a way as to affect substantially the users of the facilities. We have recognized the importance of public hearings in the Urban Mass Transportation Act of 1964 as well as in the Federal Highway Act. Congress has understood in those acts that the public is entitled a voice in decisions affecting them directly. Clearly those people who use mass transit facilities on a daily basis would be affected by fare increases and major changes in routes or service. I regret indeed that there is no provision in this bill that takes this matter into account. In every other respect, however, it is an exceedingly important bill and I urge my colleagues to support it.

Mr. BROWN of Michigan. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by sections.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Mass Transportation Assistance Act of 1973".*

#### ASSISTANCE FOR OPERATING EXPENSES

Sec. 2. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following new sentence: "The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of mass transportation service in urban areas, allocating any funds made available for assistance under this sentence among the various State and local public bodies and agencies thereof in the manner provided in subsection (g): *Provided*, That no assistance shall be provided under this sentence to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed with such assistance will not exceed one-half of the rates generally applicable to other persons, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

(b) Section 3(c) (2) of such Act is amended by inserting "(including grants for payment of operating expenses)" after "project grants".

(c) Section 3 of such Act is further amended by adding at the end thereof the following new subsections:

(f) No financial assistance shall be provided to any State or local public body or agency thereof for payment of operating expenses incurred in connection with the provision of mass transportation service unless the applicant State or public body or agency has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in the urban area or areas involved, and for placing mass transportation operations in such area or areas on a sound financial basis.

(g) The funds made available for assistance in the payment of operating expenses under the third sentence of subsection (a) for any fiscal year shall be allocated by the Secretary among the various States and local public bodies and agencies thereof (without regard to section 15) on the basis of a formula under which the urbanized areas of eligible applicants in any State will be entitled to receive an amount equal to the sum of—

(1) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total population of the urbanized areas of eligible applicants in that particular State, and the denominator of which is the total population of the urbanized areas of eligible applicants in all the States;

(2) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total number of revenue passengers carried by mass transportation systems in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total number of such passengers carried by

mass transportation systems in the urbanized areas of eligible applicants in all the States; and

"(3) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in all the States."

(d) (1) Section 4 of such Act is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) To finance grants to assist States and local public bodies and agencies thereof in the payment of operating expenses under the third sentence of section 3(a), there is authorized to be appropriated not to exceed \$400,000,000 for the fiscal year ending June 30, 1974, and \$400,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for either such fiscal year may be appropriated for any succeeding fiscal year."

(2) The first sentence of section 4(c) of such Act is amended by inserting after "under sections 3, 7(b), and 9 of this Act" the following: "(other than grants made under the third sentence of section 3(a))."

(e) Section 12 of such Act is amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under the third sentence of section 3(a) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that section 2 of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 1, strike out line 5 and all that follows thereafter through page 5, line 18.

Redesignate the succeeding sections accordingly.

Mr. WYLIE. Mr. Chairman, this amendment is obvious on the face of it, and I think we have probably debated it sufficiently during the debate on the rule so that I do not believe I will need to take the full 5 minutes.

What my amendment would do, of course, is to strike the section dealing with operating subsidies. It is not fair to say that there is not any money provided for urban mass transportation over and beyond operating subsidies. It is not accurate to suggest that if the operating subsidies section is knocked out, there will be nothing left for urban mass transportation.

There will still be Federal assistance for urban mass transportation for cap-

ital grants. The amount of subsidy for urban mass transportation other than for operating subsidies is increased from \$3.1 billion to \$6.1 billion. That is a substantial amount of money. By the same token, there is added to this bill an operating subsidies provision which would provide another \$800 million in subsidies to local subdivisions. There is some inconsistency in that we have already provided an additional \$3.1 billion for capital grants and now we add an additional \$800 million for operating subsidies.

I think the amendments are counterproductive because the money for each program will be coming out of the same pocket: the general revenue fund, and there is only so much to go around.

I think what we need to do is provide the system first and then say to cities and municipalities, "It is up to you to operate it efficiently. We will try to help you with your capital grant program, since this will be your first major outlay as far as urban mass transportation is concerned." Besides, the \$800 million has never been budgeted.

I pointed out during the course of the debate on the rule that there is an inconsistency as to how the operating subsidy money is going to be distributed. It is allocated according to a formula in one place, and then in the last section of the bill there is a suggestion that the Secretary of Transportation provide some sort of criterion on his own with only a general suggestion as to how that criterion is to be established.

The fact is that the Government ought to be getting out of the categorical grant-in-aid program and there have been moves in that direction, which is another reason why we should not have another categorical grant-in-aid program through the urban mass transportation bill.

As I said earlier, I am a strong supporter of urban mass transportation, and I supported the increase in the capital grant program to 80 percent Federal money and 20 percent local contribution. I believe this is the right approach to the problem, and I favored opening highway trust funds for that purpose.

By the formula in this bill we are encouraging inefficiency of operation, it seems to me, of urban mass transportation systems. We will not be saying, "It is up to you to provide some sort of efficient method of operating your transit system. If people need to provide funds at the local level they will more likely provide that they be used more efficiently."

The gentleman from Georgia (Mr. BLACKBURN) mentioned Atlanta and the fact that the local citizens voted a levy for operating subsidies. We did the same thing in Columbus, Ohio. We provided a local tax levy, which the people voted on themselves for the purchase of the Columbus Transit System and for the operation of that system.

I believe that by section 2 we would penalize cities which have gone ahead on their own to try to provide their own operating subsidies. I would respectfully suggest that Members should support this amendment I have offered as a re-

sponsible vote with reference to operating subsidies.

Mr. YOUNG of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman from Georgia.

Mr. YOUNG of Georgia. I should like to read very briefly from a telegram I received from the Metropolitan Atlanta Rapid Transit Authority, which says:

We understand that the House of Representatives will consider later this week a transit operating aid bill designed to provide operating funds to transit agencies incurring an operating deficit. Under the formula in the bill as introduced, over the 2-year life of the bill, MARTA would receive approximately \$3.9 million per year or a total of \$7.8 million, which could be applied against the annual deficit of \$12 million.

The telegram goes on. I just use this to illustrate that in spite of the fact that we voted in a 1-cent sales tax and in spite of the fact that there has been a tremendous increase in ridership there is still a need for some kind of Federal operating subsidy.

Mr. MINISH. Mr. Chairman, I rise in opposition to the amendment.

This amendment plainly would gut the bill. We went through this during the debate on the rule.

The amendment would strike out the operating subsidy and there would be nothing left in the bill.

Let me say that it seems the people on this side of the aisle have more faith in the administration than the Members on the other side. There are plenty of safeguards in the bill. The Secretary of Transportation has the authority to deal with subsidies any way he wants. If transit systems do not measure up to what he thinks ought to be done they will not get any money. So it is a fallacy to say that this money is going to be wasted.

I hope the amendment will be defeated.

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

Mr. MINISH. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. The gentleman indicates in his opinion this amendment would completely gut the bill. There is a provision in the bill for \$6.1 billion in subsidies for capital grants, is there not?

Mr. MINISH. That has been taken care of in the highway bill.

Mr. WYLIE. I do not understand. What does the gentleman mean when he says that has been taken care of in the highway bill? Is this in lieu of what has already been authorized in the highway bill?

Mr. WYLIE. Mr. Chairman, will the gentleman yield so that I may ask the gentleman from Texas another question?

Mr. MINISH. I yield to the gentleman.

Mr. WYLIE. Mr. Chairman, I was referring to page 6 of this bill which says:

INCREASE IN BASIC ASSISTANCE AUTHORITY

The Urban Mass Transportation Act of 1964 is amended by striking out \$3,100,000,000 \*\*\* and inserting in lieu thereof \$6,100,000,000.

What is authorized by that language?

Mr. WRIGHT. Mr. Chairman, if I may be recognized to respond to the question,

that already has been done in the highway bill enacted by this House. That basic authorization for UMTA was increased in that highway bill by \$3 billion, as mentioned by the gentleman.

Mr. WYLIE. Then why is this section in this bill? Is the gentleman going to offer an amendment to strike it out?

Mr. MINISH. Mr. Chairman, this bill was reported out before the highway bill was completed. The gentleman is on the subcommittee.

Mr. WYLIE. Is the gentleman going to offer an amendment to strike the \$6.1 billion language on page 6?

Mr. MINISH. The gentleman is correct.

Mr. CRANE. Mr. Chairman, I rise in support of the amendment.

Mr. CRANE. Mr. Chairman, I would like to make a couple of observations beyond my earlier remarks in connection with the amendment offered by the gentleman from Ohio.

It has been argued that the question of capital grants or assistance for capital improvements of mass transit systems has been provided for in the highway trust fund bill. I voted against the diversion of the highway trust fund moneys on the grounds that in my estimation it was an inappropriate way to provide assistance to communities that were suffering escalating costs under their various urban mass transit programs.

Under the highway trust fund bill, it struck me that we created that trust fund with moneys raised from the users for a clearly stated objective and that the word "trust" meant what I was brought up to believe it meant. If there were surplus moneys there, the taxes should have been reduced.

To contemplate subsidizing the deficits in our mass transit systems by diverting money from the highway trust fund seems to me to place a disproportionate burden of taxation on many people who can ill afford it, including many people who are dependent upon the utilization of their automobiles to get to and from work.

I believe that since we cannot raise moneys for our urban mass transit systems through the user tax approach, then the appropriate alternative is to contemplate raising those moneys from general revenue, and in that connection I submitted to the Subcommittee on Mass Transit of the Committee on Banking and Currency a bill entitled H.R. 6432, which would have done exactly that.

Mr. Chairman, I believe anyone at the local level who has had any experience in dealing with the Federal Government will readily testify to the fact that they would like to be free from many of the regulations, guidelines, and controls that go with the acceptance of many of our Federal programs in the categorical grants-in-aid category.

I believe, in addition to that, that they will tell us that the idea of block grants for capital improvements is something which they can live with and, in fact, would prefer themselves, at least most of

them. Major exceptions are those peculiar areas touched upon earlier in debate, where they are running major deficits through inefficiencies, political considerations, or to preserve patronage havens.

Under these circumstances, I would urge my colleagues to join in support of the responsible amendment offered by the gentleman from Ohio.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the distinguished chairman of the Subcommittee on Transit indicated that the bill had some safeguards in it. I wonder if the gentleman would answer a question concerning the bill.

Can the gentleman tell me what those safeguards are or what discretion we can give to the Secretary of Transportation with respect to paying the \$400 million in operating subsidies?

At the top of page 3 it states:

(f) No financial assistance shall be provided to any State or local public body or agency thereof for payment of operating expenses incurred in connection with the provision of mass transportation service unless the applicant State or public body or agency has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him . . .

I can go on, but I think the gentleman can read it. It sets forth the criteria quite clearly, and I think it is a proper safeguard.

So your position is that the submission of a plan is some sort of guarantee of good service?

Mr. MINISH. Well, it is up to the Secretary of Transportation to decide whether it is good service or not. He would make the final decision.

Mr. FRENZEL. Is the gentleman aware that the Secretary said that this was a fairly difficult thing for him to do and that he was on record before our subcommittee and in writing and to other Members that this placed a burden on him that seemed to be difficult.

Mr. MINISH. Will the gentleman yield?

Mr. FRENZEL. I do yield.

Mr. MINISH. I am not privy to conversations with the Secretary that the gentleman may have; but let me say this for myself, I have complete faith in the Secretary, and I am sure he can handle the problem.

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

Mr. FRENZEL. I yield to the distinguished gentleman from New York (Mr. WOLFF).

Mr. WOLFF. I thank the gentleman for yielding.

According to the statement the gentleman made, the Secretary says that he is unable to handle this work himself. I think we ought to get a Secretary who can.

Mr. YOUNG of Georgia. Will the gentleman yield?

Mr. FRENZEL. I will be glad to yield to the distinguished gentleman from Georgia.

Mr. YOUNG of Georgia. In yesterday's

Wall Street Journal there was an article on the growing clamor for transit subsidies which says:

It is understood that the new Secretary, Claude S. Brinegar and other department officials recently sought White House backing for some kind of transit aid program, too, but without success.

What we are getting here is political considerations and not those of the Department of Transportation or of the needs of the American people.

Mr. FRENZEL. I thank the gentleman for his contribution.

Mr. Chairman, I think the point I am trying to make is we are loading onto the Administrator of the UMTA, and ultimately the Secretary of the Department of Transportation, a determination as to whether our local transit plans are all right or not all right. That, of course, is counter to the theory of the advisory council.

There is nothing in the operating subsidy portion that guarantees that service will be improved one bit and that routes will be improved 1 inch.

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

Mr. FRENZEL. I will not yield. I have yielded all afternoon.

I support the amendment offered by the gentleman from Ohio, because the operating subsidy obviously gives nothing. If we want something for our transit dollar, we ought to improve the facilities through the capital grant program or we ought to spend more money on research and develop viable alternatives which the public will choose in a clear choice against the other alternatives. This section does nothing except subsidize systems which are losers today and which are obsolete in their facilities and which are likely to be losers tomorrow.

Mr. GROSS. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, earlier in this season the Democrats were bleeding all over the House floor in protest to the delegation of congressional powers to the executive branch of the Government. Now you are castigating executive branch officials because they do not want to make interpretations and take actions that are not clear under the law. You want to pile on the executive branch of the Government the power to do anything. When are you Democrats going to stop bleeding at every pore over delegations of power to the executive branch and erosion of powers of Congress? You cannot have it both ways.

Mr. FRENZEL. I thank the distinguished gentleman from Iowa for his contribution.

Mr. Chairman, I urge support of the amendment offered by the gentleman from Ohio (Mr. WYLIE) and because I believe, as the distinguished subcommittee chairman says, it does gut the bill and I believe the bill richly deserves to be gutted.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words,

and I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. WYLIE).

Mr. Chairman, there may have been some understandable confusion with respect to this bill and the extent to which it does or does not duplicate matters already contained in the Highway Act which Congress passed earlier this year.

Like the gentleman from Illinois, I opposed any large diversions from the highway trust fund for the purpose of subsidizing mass transit operations. I did so for a very simple reason. I do not believe that there are sufficient moneys in the highway trust fund to care adequately for both our highway needs and our mass transit needs. And yet I supported mass transit assistance. We included in that highway legislation a provision of \$3 billion in additional authorization out of the general revenues to assist in matching grants for mass transit capital investments. We did not include in that legislation any provision for operating subsidies. And if operating subsidies were to be stricken from this bill, as the gentleman from Ohio proposes in his amendment, then it does seem to me that this bill would be rendered meaningless. So that is the question to decide.

It occurs to me that we can decide it right now with regard to the amendment offered by the gentleman from Ohio.

I oppose that amendment, Mr. Chairman, for several reasons which I consider very valid. First of all, because of the energy shortage in this country. There are known domestic petroleum reserves to last us for less than 20 years in the United States, at our present rate of consumption. And that rate is increasing daily. We practically double our energy consumption in the United States every 10 years. The private automobile is among the most conspicuous reasons. One generation ago, less than half of America's families owned automobiles. Today more than half own two or more. Our 200 million people today possess 114 million automobile vehicles. That is more than one for each two Americans.

Unless we provide some viable and attractive alternative to induce people in the larger cities to leave their automobiles at home and utilize public transportation, we face a severe energy crisis which within a very few years may place this country at the economic mercy of the governments of the Middle East.

The second reason which I think augers very strongly for our enactment of this bill, and against the amendment offered by the gentleman from Ohio, is that, unless we do provide some attractive alternative to induce and entice the American city dweller to utilize mass transit facilities, not only the ambient air quality of our cities but the quality of life itself in our cities will continue to deteriorate very rapidly.

So, as one who supported the highway bill, and as one who opposed the diver-

sion of highway trust funds for mass transit, I just want to go on record as saying that I think we do need to support mass transit. We face the necessity, if public transportation is to be viable, of finding some way to assist in making its rates attractive enough for people to ride it. Obviously, it cannot pay for itself on the basis of the present ridership in most American cities. Apparently it will not in the future unless we make service more attractive and/or reduce rates. Evidently we cannot do that unless there is some sort of operating subsidy from some source.

Every major nation in Europe subsidizes public mass transportation in its large cities. I know of only one big metropolitan system on the North American continent that is reported to be paying for itself on its current operations out of the fare box, and that is the one in Montreal.

The magnificent system that has been created in the bay area of California is providing excellent service, but it is not paying for itself.

Now, if this is a national need and if there is a national imperative to try to attract people to utilize public transportation in the cities to relieve those cities of the glut, the fumes, and the noise of traffic, and the debilitation to human life that occurs therefrom, then I suppose we should just as well face up to it today and support this bill. And if the Members have a tendency to support the bill then it occurs to me that the Members must vote against the amendment offered by the gentleman from Ohio. If that amendment should be adopted, then there would be little, if anything, left in the bill in the way of new initiative.

Under leave to extend my remarks, I include a copy of a letter which I have received from the National League of Cities and the U.S. Conference of Mayors which further elaborates upon these facts:

NATIONAL LEAGUE OF CITIES,  
U.S. CONFERENCE OF MAYORS,  
Washington, D.C., October 2, 1973.

HON. JAMES C. WRIGHT,  
U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN WRIGHT: The National League of Cities and the U.S. Conference of Mayors, on behalf of more than 15,000 municipalities throughout the nation, commend your continued support for an immediate program of federal operating assistance for mass transit. As you know, state and local governments are subsidizing mass transit systems by more than \$500 million annually.

The financial crisis in operating costs comes at a time when cities are now confronted with significant new demands for expanded and improved mass transit service. For example, the proposed EPA regulations mandating transportation controls in 36 metropolitan areas will force major reductions in automobile usage. Because these controls are aimed at commuters, this will increase peak hour demand. Capital and operating costs will rise, as cities bear the burden of meeting the federal clean air requirements. The energy crisis is another factor leading to greater demands for mass transit. One-half of every barrel of domestic crude oil goes for gasoline to power autos and trucks. Each conventional bus can

carry enough passengers to replace twenty or more automobiles.

The demands for mass transit will increase, and the resultant operating costs will soar. Federal operating assistance is needed immediately to assure that mass transit, an essential public service, will be able to meet the demands and assist in the achievement of the national goals of energy conservation and a quality environment.

We agree with you that federal operating assistance is absolutely necessary to attain these objectives. Cities cannot continue to meet these responsibilities alone. We hope that your support of operating subsidies will serve as an example to other Members, and that the Congress will adopt, and the President sign, a program of federal operating assistance for mass transit.

Sincerely,

JOHN J. GUNTHER,  
Executive Director.  
ALLEN E. PRITCHARD, Jr.,  
Executive Vice President.

THE CHAIRMAN. The time of the gentleman has expired.

The Committee will rise informally in order that the House may receive a message.

#### MESSAGE FROM THE PRESIDENT

The SPEAKER resumed the chair.  
The SPEAKER. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on October 2, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 719. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes.

The SPEAKER. The Committee will resume its sitting.

#### URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1973

The Committee resumed its sitting.  
The CHAIRMAN. The Chair recognizes the gentleman from New York.

MR. KOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to take a few moments to ask my good friend and colleague on the full committee, the gentleman from Minnesota (Mr. FRENZEL), whether he might respond to a question.

I know, having discussed this with the gentleman from Minnesota in the past, that he supported mass transit operating subsidies for Amtrak. I heard the gentleman a few moments ago make a very eloquent speech about why we ought not to have subsidies for buses and subways and commuter lines, and because I know the gentleman is a very reasonable, logical person, I should like to have him share with me the reasons that permit him to vote subsidies for Amtrak and no subsidies for buses and subways and commuter lines.

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

Mr. KOCH. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I do not think that that is some kind of terrible inconsistency. I think I have tried to explain in my debate on the rule that we have a fixed number of dollars to employ in each of these areas. They are scarce dollars. In my judgment, the subsidies should go to capital and research. I have said that as many times as I can. I have been on the floor pleading for a doubling and a tripling of our research and development and for our capital drain, and this bill is drawing away money from those worthy subsidies.

Mr. KOCH. Let me interrupt the gentleman, if I may. Last year when the gentleman voted \$170 million for subsidies for Amtrak, did he think we were throwing away the money, and if he did, why did he vote for it?

Mr. FRENZEL. I thought that it was a good vote, that it was useful, and that it was something that was needed. I did not have any alternative. I had a "yes" or "no." On this we have an alternative. We have two other ways that we can stimulate transit development and employment in this country, and the gentleman from New York is taking the wrong one if he votes for a subsidy.

Mr. KOCH. I thank the gentleman, but I do not think it is a very logical response to the question, although the gentleman is usually very logical and reasonable.

Mr. FRENZEL. I thank the gentleman.

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

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

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

[Roll No. 492]

Alexander	Fraser	Moorhead, Calif.
Broyhill, Va.	Gray	Morgan
Burke, Calif.	Gude	Pepper
Clark	Hanna	Railisback
Conyers	Heckler, Mass.	Rosenthal
Coughlin	Hollifield	Runnels
de la Garza	Johnson, Colo.	Sandman
Diggs	Jones, Ala.	Taylor, N.C.
Dingell	Kastenmeier	Vander Jagt
Edwards, Calif.	Kluczynski	White
Ellberg	Landrum	Wilson
Esch	Leggett	Charles H., Calif.
Ford,	Melcher	
William D.	Mills, Ark.	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. McFALL, 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. 6452, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 396 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I made the point during the debate on the rule that it is most difficult to get Americans commuting in their automobiles out of their automobiles and into mass transit. I have had personal experience with this, because I was one of the original members of the board of directors of the Southeastern Pennsylvania Transit Authority.

We took over the Philadelphia Transportation Co., the Philadelphia Suburban Transportation Co. and worked out leases with the railroads, and then we improved service, built bigger parking lots, and inaugurated an express bus operating on a link of the interstate route right into Philadelphia.

Let me talk just for a moment about this express bus traveling from the Philadelphia suburbs into Philadelphia.

When we started that service, we thought it was going to be a great success. The fact of the matter is that during the rush hours, the peak hours, the buses were running at about 50 percent capacity.

We lowered the fares and advertised and finally got the buses filled to a point where there was standing room only at peak traffic hours, and during the day women were taking the bus into town to do their shopping. The fares were then raised, and this became a profitable operation.

Now, right here in Washington, D.C., in this entire area, we are spending billions of dollars on the Metro system, and I believe we will all have pretty red faces if we get sections of this system finished and then we find we cannot get enough people to ride on those sections, so that we have to subsidize Metro.

Mr. Chairman, I am not in favor of simply subsidizing an outmoded transit system, but I am in favor of doing what in effect would be "priming the pump" to get people to use the mass transit facilities which we are now building and upon which we are spending billions of dollars. To simply say that operating subsidies are totally unnecessary is not in keeping with the facts. Anything that is new has to get off the ground, and it must be properly operated and give good service, and it has to get enough money so it is not operating at a loss.

For a temporary period of time in order to build up the ridership, as a result you are going to have less congestion on our highways, fewer accidents, and more people riding mass transit.

I do not know any other way one could do it except giving that mass transit system an operating subsidy for a limited period of time.

So I would hope that the amendment would be defeated.

Mr. PATMAN. Mr. Chairman, we have had some pretty full debates on this amendment. I wonder if we could not have a vote by now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. WYLIE) there were—ayes 79, noes 62.

RECORDED VOTE

Mr. PATMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 203, not voting 26, as follows:

[Roll No. 493]

AYES—206

Abdnor	Ford, Gerald R.	O'Brien
Alexander	Fountain	O'Hara
Andrews,	Frenzel	Passman
N. Dak.	Frey	Pettis
Archer	Froehlich	Pickle
Arends	Fuqua	Poage
Armstrong	Goodling	Powell, Ohio
Ashbrook	Griffiths	Preyer
Bafalis	Gross	Price, Tex.
Baker	Gubser	Quile
Bauman	Guyer	Quillen
Beard	Haley	Rarick
Bennett	Hammer-	Regula
Bevill	schmidt	Rhodes
Blackburn	Hanrahan	Roberts
Bowen	Hansen, Idaho	Robinson, Va.
Bray	Harsha	Robison, N.Y.
Breaux	Harvey	Rogers
Brinkley	Hastings	Rousselot
Brooks	Hays	Roy
Broomfield	Heinz	Ruppe
Brotzman	Hillis	Ruth
Brown, Ohio	Hinshaw	Ryan
Broyhill, N.C.	Hogan	Satterfield
Broyhill, Va.	Holt	Saylor
Burgener	Hosmer	Scherle
Burke, Fla.	Huber	Schneebell
Burleson, Tex.	Hudnut	Sebelius
Burlison, Mo.	Hutchinson	Shoup
Butler	Ichord	Shriver
Byron	Jarman	Slusher
Camp	Johnson, Calif.	Sikes
Carter	Johnson, Pa.	Slack
Cederberg	Jones, N.C.	Smith, N.Y.
Chamberlain	Jones, Okla.	Snyder
Chappell	Keating	Spence
Clancy	Kemp	Stanton,
Clark	Ketchum	J. William
Clausen,	King	Steed
Don H.	Kuykendall	Steiger, Ariz.
Clawson, Del	Landgrebe	Steiger, W.Ia.
Cleveland	Landrum	Stubblefield
Cochran	Latta	Stuckey
Cohen	Long, Md.	Symms
Collier	Lott	Talcott
Collins, Tex.	Lujan	Taylor, Mo.
Conable	McClory	Teague, Calif.
Conlan	McCollister	Teague, Tex.
Conte	McEwen	Thomson, W.Ia.
Crane	McKay	Thone
Daniel, Dan	McSpadden	Towell, Nev.
Daniel, Robert	Madigan	Treen
W., Jr.	Mallary	Veysey
Davis, S.C.	Mann	Waggoner
Davis, W.Ia.	Martin, Nebr.	Wampler
Dellenback	Martin, N.C.	Ware
Dennis	Mathias, Calif.	Whitehurst
Devine	Mathis, Ga.	Whitten
Dickinson	Mayne	Widnall
Dorn	Michel	Wiggins
Downing	Milford	Wilson, Bob
Duncan	Miller	Winn
Edwards, Ala.	Mitchell, N.Y.	Wylie
Erlenborn	Mollohan	Wyman
Eshleman	Montgomery	Young, Alaska
Evans, Colo.	Moorhead,	Young, Fla.
Findley	Calif.	Young, Ill.
Fish	Myers	Young, S.C.
Fisher	Natcher	Zion
Flowers	Neisen	Zwach
Flynt	Nichols	

NOES—203

Abzug	Barrett	Breckinridge
Adams	Bell	Brown, Calif.
Addabbo	Bergland	Brown, Mich.
Albert	Blagg	Buchanan
Anderson,	Blester	Burke, Mass.
Calif.	Bingham	Burton
Anderson, Ill.	Blatnik	Carey, N.Y.
Andrews, N.C.	Boggs	Carney, Ohio
Annunzio	Boland	Casey, Tex.
Ashley	Bolling	Chisholm
Aspin	Brademas	Clay
Badillo	Brasco	Collins, Ill.

Corman	Hungate	Rinaldo
Cotter	Hunt	Rodino
Coughlin	Jones, Tenn.	Roe
Cronin	Jordan	Roncallo, Wyo.
Culver	Karth	Roncallo, N.Y.
Daniels,	Kastenmeier	Rookey, N.Y.
Dominick V.	Kazen	Rookey, Pa.
Danielson	Koch	Rose
Davis, Ga.	Kyros	Rosenthal
de la Garza	Lehman	Rostenkowski
Delaney	Lent	Roush
Dellums	Litton	Royal
Denholm	Long, La.	St Germain
Dent	McCloskey	Sarasin
Derwinski	McCormack	Sarbanes
Diggs	McDade	Schroeder
Donohue	McFall	Selberling
Drinan	McKinney	Shipley
Dulski	Macdonald	Sisk
du Pont	Madden	Smith, Iowa
Eckhardt	Mahon	Staggers
Edwards, Calif.	Mailliard	Stanton,
Fascell	Maraziti	James V.
Flood	Matsunaga	Stark
Foley	Mazzoli	Steene
Ford,	Meeds	Steelman
William D.	Metcalfe	Stephens
Forsythe	Mezvinsky	Stokes
Fraser	Minish	Stratton
Frelinghuysen	Mink	Studds
Gaydos	Minshall, Ohio	Sullivan
Gettys	Mitchell, Md.	Symington
Gialmo	Moakley	Thompson, N.J.
Gibbons	Moorhead, Pa.	Thornton
Gilman	Mosher	Tiernan
Ginn	Moss	Udall
Gonzalez	Murphy, Ill.	Ullman
Grasso	Murphy, N.Y.	Van Deelin
Gray	Nedzi	Vanik
Green, Oreg.	Nix	Vigorito
Green, Pa.	Obey	Waldb
Grover	O'Neill	Walsh
Gunter	Owens	Whalen
Hamilton	Parris	Williams
Hanley	Patman	Wilson,
Hansen, Wash.	Patten	Charles H.,
Harrington	Perkins	Calif.
Hawkins	Peyser	Wilson,
Hébert	Pike	Charles, Tex.
Hechler, W. Va.	Podell	Wolff
Heckler, Mass.	Price, Ill.	Wright
Helstoski	Pritchard	Wyatt
Henderson	Randall	Wydler
Hicks	Rangel	Yates
Holifield	Rees	Yatron
Holtzman	Reid	Young, Ga.
Horton	Reuss	Young, Tex.
Howard	Riegle	Zablocki

## NOT VOTING—26

Burke, Calif.	Hanna	Pepper
Conyers	Johnson, Colo.	Rallsback
Dingell	Jones, Ala.	Runnels
Eilberg	Kluczynski	Sandman
Esch	Leggett	Skubitz
Evins, Tenn.	Melcher	Taylor, N.C.
Fulton	Mills, Ark.	Vander Jagt
Goldwater	Mizell	White
Gude	Morgan	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BROWN of Michigan. Mr. Chairman, the action just taken by the Committee in adopting the amendment of the gentleman from Ohio (Mr. WYLIE), the amendment which I had proposed to offer cannot now be offered. Since I believe the issues raised and better resolved by my amendment should be before the Committee for its consideration despite its inability to receive formal action, I wish to offer the remarks I would have made on my amendment and submit a copy of the amendment for the RECORD.

Let me say at the outset, Mr. Chairman, that I am not fully persuaded as to the wisdom of operating subsidies for urban mass transportation systems. However, if it should be the judgment of this body, as it was the judgment of the Banking and Currency Committee, that

operating assistance is to come to pass, then I would urge a more reasonable approach to the concept than that contained in the committee bill. The proposal incorporated in the committee bill, that is, 100 percent Federal subsidy, I would point out has already been acted upon and defeated by the House when it considered the highway bill.

The amendment that I have offered would make the following constructive changes in the provisions for operating assistance. First, my substitute will change the allocation formula for distribution of the funds appropriated for operating assistance. The committee formula would allocate the moneys on the basis of three factors, evenly weighted: Population of an area, the number of revenue passengers carried by a system, and the number of mass transportation revenue vehicle miles traveled in an urbanized area.

This allocation formula gives a clear, and in my opinion, unwarranted, advantage to those urban areas which have existing and well developed mass transit systems. My amendment would change that formula so that the population of an area would be assigned a weight of 50 percent, and vehicle miles and revenue passengers 25 percent each. This modification would, I think, provide for a more equitable distribution of the money and give a larger share to those urban areas which have relatively undeveloped mass transit systems, and yet have a pressing need for operating assistance.

Second, my amendment would add the requirement that any Federal funds received for operating assistance be matched on a dollar-for-dollar basis with locally derived funds. I think that in this area especially, with all the controversy that exists over the question of subsidizing the operation of local transit systems, any solution must be undertaken on a partnership basis with the local units of government—100 percent Federal funding could well result in disincentives to the units of urban government to improve operations so that their mass transportation systems can become self-supporting. Testimony was received by the subcommittee that substantial effort in this direction has been expended by local governments. A Federal program of operating assistance on a 50-50 basis should keep the pressure to perform on the local units of government, without smothering taxpayers with additional burdens.

In addition, to insure that real local effort takes place, the source of local share could not, under the language of my amendment, be derived either from the current revenues of urban mass transportation systems or from funds used to provide the local matching share for any other Federal grant.

Third, consistent with the emphasis on local initiative that the cost-sharing provision of my amendment would provide, my amendment would permit localities to expend moneys received under this section for equipment needs as well as for operating assistance. There is no compelling reason to require that this money

be spent solely for operating assistance, and the local unit of government should be given flexibility in this area.

Fourth, my amendment would directly encourage the development of regional authorities to direct the operations of mass transit systems. It would do this by providing that operating assistance would not be distributed as a matter of right to a locality unless a governmental entity had adequate powers of control over mass transit projects and activities for jurisdictions containing at least 75 percent of the population of an urbanized area.

If no such regional authority existed, the funds shall be retained by the Governor of each State to be used in accordance with the general purposes of the act. Such a requirement would, in my opinion, cure one of the administration's objections to operating assistance—namely that under this program it would be distributing money to over 1,000 local transit systems and would, consequently, become involved in a multitude of strictly local matters. By encouraging consolidation and "regionalization" of mass transit systems, the number of systems with which the Federal Government would be even arguably involved would be substantially reduced. In addition, by directing the remainder of the money to the Governors of the respective States, the feared burden of local payment involvement is virtually eliminated.

Finally, the amendment I am offering would extend the time period for completion of the comprehensive urban transportation studies authorized in the Federal Aid Highway Act of 1973 from July 1, 1974, until July 1, 1975. That date will coincide with the expiration of the authorization for operating assistance contained in this bill, and will permit the Department of Transportation to collect and evaluate the experience under this program.

What better way to develop meaningful data on mass transportation needs and possible methods of meeting those needs—information which at this point we do not have—than to consider this 2-year program of operating subsidies as a "test" program, the results of which can be evaluated so that rational decisions as to the necessity of such assistance in the future can be made.

A final word regarding a problem which some of my colleagues have found with existing section 2 concerning the possibility of operating assistance being given to privately owned transportation companies.

The language of the amendment that I am proposing expressly avoids this possibility. First, assistance under my amendment would be limited to expenses incurred "in connection with the provision of mass transportation service provided directly by the State or local public body or agency thereof." Second, the revised funding formula employed in the language of the amendment limits the data of revenue vehicle miles and revenue passengers to those "of the eligible applicant"—that is, of the State or local public body or agency thereof. It is the intent of this language to limit operat-

ing assistance provided under this program to mass transportation systems that are both owned and operated by the "eligible applicant."

Thus, the possibility of a private subsidy is eliminated with the amendment I am offering.

In conclusion, just let me say that if we are to have operating subsidies, the amendment I am here proposing offers both less risk to the Federal Government and a more flexible program of assistance to more communities than does the committee bill. I urge its favorable consideration.

The amendment follows:

AMENDMENT TO H.R. 6452

Beginning on Page 1, Line 5, strike out all that appears through Page 5, Line 18, and insert in lieu thereof the following:

"Additional Assistance for Project Grants and Operating Expenses".

Sec. 2. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following new sentence "The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants to further assist States and Local public bodies and agencies thereof in financing the activities described in the first sentence of this subsection, or to assist them in the payment of operating expenses incurred in connection with the provision of mass transportation service, provided directly by the State or Local public body or agency thereof, or both, in urbanized areas as designated by the Bureau of the Census, allocating any funds made available for assistance under this sentence among the Governors of the various States in the manner provided in subsection (g): *Provided*, That no assistance shall be provided under this sentence with respect to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed with such assistance will not exceed one-half of the rates generally applicable to other persons, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

(b) Section 3(c)(2) of such Act is amended by inserting "(including grants for payment of operating expenses)" after "Project grants".

(c) Section 3 of such Act is further amended by adding at the end thereof the following new subsections:

(f) No financial assistance shall be provided with respect to any State or local public body or agency thereof under the third sentence of subsection (a) unless the applicant has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in the urban area or areas involved (including the exercise of such governmental powers by appropriate State and local jurisdictions as may be necessary to assure that maximum benefits will be achieved from the assistance so provided), and for placing mass transportation operations in such area or areas on a sound financial basis.

(g) The funds made available for assistance under the third sentence of subsection (a) for any fiscal year shall be allocated by the Secretary among the Governors of the

various States (without regard to section 15) on the basis of a formula under which the urbanized areas of eligible applicants in any State will be entitled to receive an amount equal to the sum of—

(1) one-half of the total amount so allocated multiplied by a fraction the numerator of which is the total population of the urbanized areas (or parts thereof) of eligible applicants in that particular State and the denominator of which is the total population of the urbanized areas of eligible applicants in all the States;

(2) one-fourth of the total amount so allocated multiplied by a fraction the numerator of which is the total number of revenue passengers carried by mass transportation systems of the eligible applicant in the urbanized areas (or parts thereof) served by such eligible applicants in that particular State and the denominator of which is the total number of such passengers carried by mass transportation systems of eligible applicants in the urbanized areas served by such eligible applicants in all the States; and

(3) one-fourth of the total amount so allocated multiplied by a fraction the numerator of which is the total mass transportation revenue vehicle miles of eligible applicants traveled in the urbanized areas or parts thereof served by such eligible applicants in that particular State and the denominator of which is the total mass transportation revenue vehicle miles of eligible applicants traveled in the urbanized areas of eligible applicants in all the States.

If a governmental entity having adequate powers and capacity to plan and cause to be implemented urban mass transportation projects and activities for jurisdictions containing at least 75 per centum of the population of an urbanized area in any State exists, the Governor of such State shall make available to that entity, for its use in providing assistance in that urbanized area as authorized by the third sentence of subsection (a), the funds allocated to him pursuant to this subsection which are attributable to that urbanized area. All other funds allocated to a Governor pursuant to this subsection shall be retained by him for use as authorized by the third sentence of subsection (a) in the urbanized areas to which such funds are attributable. The amount of any assistance received in an urbanized area in a year pursuant to this subsection shall not exceed the amount of financial assistance provided in that year from non-Federal sources other than (A) current revenues of urban mass transportation systems, and (B) funds used to provide the local matching share for any other Federal grant. The Federal Government shall not be contractually obligated to pay to a State (or to any public body or agency within a State) the funds allocated to the Governor of such State pursuant to this subsection until the Secretary has determined that all requirements of law and any other applicable terms and conditions established by him have been satisfactorily complied with."

(d) (1) Section 4 of such Act is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

(d) To finance grants under the third sentence of section 3(a), there is authorized to be appropriated not to exceed \$400,000,000 for the fiscal year ending June 30, 1974, and \$400,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for either such fiscal year may be appropriated for any succeeding fiscal year."

(2) The first sentence of section 4(c) of such Act is amended by inserting after "under sections 3, 7(b), and 9 of this Act" the following: "(other than grants made under the third sentence of section 3(a))".

(e) Section 12 of such Act is amended by adding at the end thereof the following new subsection:

(f) The provision of assistance under the third sentence of section 3(a) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

(g) The Congress hereby gives its consent to the States to enter into such agreements as may be necessary to realize the full benefits of this section."

Strike out "July 1, 1974" in section 138(a) of the Federal-Aid Highway Act of 1973, P.L. 93-87, and insert in lieu thereof: "July 1, 1975".

Strike out "by no later than the 180th day after the date of enactment of this section," in section 138(b) of the Federal-Aid Highway Act of 1973, P.L. 93-87, and insert in lieu thereof: "no later than July 1, 1975."

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

INCREASE IN GRANT RATIO

Sec. 3. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

INCREASE IN BASIC ASSISTANCE AUTHORITY

Sec. 4. (a) Section 4(e) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "\$3,100,000,000" in the first sentence and inserting in lieu thereof \$6,100,000,000"; and

(2) by striking out all that follows "which amount may be increased" in the third sentence and inserting in lieu thereof "to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972, not to exceed an aggregate of \$1,000,000,000 prior to July 1, 1973, not to exceed an aggregate of \$3,000,000,000 prior to July 1, 1974, not to exceed an aggregate of \$3,000,000,000 prior to July 1, 1975, not to exceed an aggregate of \$4,500,000,000 prior to July 1, 1976, not to exceed an aggregate of \$5,500,000,000 prior to July 1, 1977, and not to exceed an aggregate of \$6,100,000,000 thereafter."

(b) The first sentence of section 4(c) of such Act is amended by inserting immediately before the period at the end thereof the following: "to the extent that such amounts are or were appropriated to finance such grants and loans and have not been reserved or made available for any other purpose".

STATE AND LOCAL MASS TRANSPORTATION ADVISORY COUNCILS

Sec. 5. (a) Section 4 of the Urban Mass Transportation Act of 1964 (as amended by the preceding provisions of this Act) is further amended by adding at the end thereof the following new subsection:

(f) (1) No financial assistance shall be provided under this Act to any State or local body or agency thereof, with respect to any project, unless (A) there has been established by the State or locality involved, as provided in paragraph (2), a Mass Transportation Advisory Council to advise and assist such State or local public body or agency as provided in paragraph (3), and (B) the application for such assistance has been reviewed by such Council.

(2) The Mass Transportation Advisory Council established with respect to any State or local public body or agency thereof shall include one or more members representing

each of the political subdivisions to be served by the project; and each such member shall be elected, or appointed by the chief executive officer of the locality involved, unless applicable State or local law specifically provides another method for the selection or designation of such member. The Council shall consist of representatives of the general public in the area to be served by the project and representatives of the business and professional community, the labor force, community organizations, and local government in such area; but in any event the membership of the Council shall reasonably reflect the composition of the ridership of the mass transportation facilities to be included in the project.

"(3) It shall be the function of the Mass Transportation Advisory Council established with respect to any State or local public body or agency thereof to advise and assist such State or local public body or agency in the establishment of policies and the making of decisions involving mass transportation service in the area involved. All policies and decisions affecting the provision of such service in that area shall be subject to the review of the Council, specifically including policies and decisions with respect to planning, design, and architecture; construction contracts and subcontracts; the purchase of equipment and supplies; maintenance; related services (such as concessions); hiring and training (managerial, technical, and professional) by local agencies having responsibility for mass transportation service in the area and their contractors and subcontractors; the location of routes and stations; and fares."

(b) The amendment made by subsection (a) of this section shall apply with respect to any project not yet approved for assistance (under the Urban Mass Transportation Act of 1964) on the date of the enactment of this Act.

#### COORDINATION OF URBAN MASS TRANSIT PROGRAMS WITH MODEL CITIES PROGRAMS

SEC. 6. Section 103(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) any program which includes a transportation component as a project or activity to be undertaken meets the requirements of section 3(e) of the Urban Mass Transportation Act of 1964;".

#### GRANTS FOR TECHNICAL STUDIES

SEC. 7. Section 9 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "to make grants" in the first sentence and inserting in lieu thereof "to contract for and make grants";

(2) by striking out "and designing" in the first sentence and inserting in lieu thereof "designing, and evaluation";

(3) by striking out "and (3)" in the second sentence and inserting in lieu thereof "(3) evaluation of previously funded projects; and (4)";

(4) by inserting "or contract" after "A grant" in the third sentence; and

(5) by striking out all that follows "Secretary" in the third sentence and inserting in lieu thereof a period.

#### LIMITATION ON MASS TRANSIT FUNDING RELATED TO PUPIL TRANSPORTATION

SEC. 8. (a) Section 3(e) of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "(e)";

(2) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) No financial assistance shall be provided under this section to any State or local

public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions, or proposes to expand present routes, schedules, service, or facilities for the purpose of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions, in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such schoolchildren and school personnel; except that this paragraph shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such schoolchildren and school personnel along with facilities to be used therefor) was so engaged at any time during the twelve-month period immediately prior to the date of the enactment of this paragraph."

(b) Section 12(e) of such Act is amended by inserting before the period at the end thereof the following: "or from enforcing the limitation described in section 3(e) (2)".

#### ELIMINATION OF ASSISTANCE IN FORM OF LOANS

SEC. 9. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 (as amended by section 2(a) of this Act) is amended—

(1) by striking out "or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise)" in the first sentence;

(2) by striking out "or loan" in the fourth sentence;

(3) by striking out the fifth sentence; and

(4) by striking out "or loan" in the sixth sentence.

(b) Section 3(b) of such Act is amended—

(1) by striking out the first six sentences;

(2) by striking out "the loan then outstanding" in the seventh sentence and inserting in lieu thereof "any loan then outstanding (under the provisions of this section as in effect before the enactment of the Urban Mass Transportation Assistance Act of 1973)"; and

(3) by striking out the eighth and ninth sentences.

(c) Section 3(c) of such Act is repealed.

(d) Section 3(d) of such Act is amended by striking out "or loan".

(e) Section 4(c) of such Act is amended by striking out "and loans" in the first sentence.

(f) Section 12(b) of such Act is amended by striking out "loan or".

(g) Section 13(a) of such Act is amended by striking out "loans or" and "loan or".

(h) Section 16(b) of such Act is amended by striking out "and loans" each place it appears, and by striking out "or loan".

#### STUDY OF RURAL TRANSPORTATION NEEDS

SEC. 10. The Secretary of Transportation shall conduct a full and complete study and investigation of the public transportation needs of rural and other nonurban areas in the United States, giving particular attention to the needs of cities, towns, and other political subdivisions (outside urban areas) having a population of 50,000 or less, and of any changes in the Federal law which would be required in order to meet such needs. The Secretary shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

#### COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 3, strike out "1972" and insert in lieu thereof "1973".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee Amendment: Page 9, line 1, insert the following new section:

#### ELIGIBILITY OF QUASI-PUBLIC DEVELOPMENT CORPORATIONS

SEC. 6. (a) The first sentence of section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1)" after "financing", and by inserting before the period at the end thereof the following: "and (2) the establishment and organization of public or quasi-public transit corridor development corporations or entities".

(b) The second sentence of section 3(a) of such Act is amended to read as follows: "Eligible facilities and equipment may include personal property including buses and other rolling stock and real property including land (but not public highways), within the entire zone affected by the construction and operation of transit improvements, including station sites, needed for an efficient and coordinated mass transportation system which is compatible with socially, economically, and environmentally sound patterns of land use."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 9, line 20, strike out "Sec. 6," and insert in lieu thereof "Sec. 7".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 6, strike out "Sec. 7." and insert in lieu thereof "Sec. 8".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 24, strike out "Sec. 8" and insert in lieu thereof "Sec. 9".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 12, strike out line 3 and all that follows down through page 13, line 9, and insert in lieu thereof the following:

## ELIMINATION OF ASSISTANCE IN FORM OF PROJECT LOANS

SEC. 10. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 (as amended by section 2(a) of this Act) is amended—  
 (1) by striking out “or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise)” in the first sentence;

(2) by striking out “or loan” in the fourth sentence; and

(3) by striking out “The Secretary may make” in the fifth sentence and inserting in lieu thereof “The Secretary is also authorized to make”.

(b) Section 3(c) of such Act (as amended by section 2(b) of this Act) is amended by striking out “No loans” in the first sentence and all that follows down through “this section” in the second sentence, and insert in lieu thereof “Interest on loans made under subsection (b)”.

(c) Section 3(d) of such Act is amended by striking out “or loan”.

(d) Section 12(b) of such Act is amended by striking out “loan or”.

(e) Section 13(a) of such Act is amended by striking out “loans or” and “loan or”.

(f) Section 16(b) of such Act is amended by striking out “and loans” each place it appears, and by striking out “or loans”.

And on page 14, line 13, strike out “Sec. 10.” and insert in lieu thereof “Sec. 11.”.

The CHAIRMAN. The question is on the committee amendment.

## AMENDMENT OFFERED BY MR. MINISH TO THE COMMITTEE AMENDMENT

Mr. MINISH. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MINISH to the committee amendment: Page 14, strike “and” in line 10 and all that follows down through “loans” in line 11.

Mr. MINISH. Mr. Chairman, this is a technical amendment to the committee amendment. This amendment would strike a provision, since it is already taken care of in the Federal Aid to Highways Act, 93 to 87.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to ask the author of the amendment a question.

Would this take out the \$6.1 billion to be found on page 6 of the bill?

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

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. MINISH. I am going to offer that in the next series of amendments.

Mr. GROSS. What does this amendment do?

Mr. MINISH. This is a provision that is taken care of in the highway bill. This section already appears in the Federal Highway Act.

Mr. GROSS. What page and what line?

Mr. MINISH. Page 14, section (f).

Mr. GROSS. Page 14 of the bill?

Mr. MINISH. Section (f).

Mr. GROSS. What line?

Mr. MINISH. Lines 9 to 11.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MINISH) to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended was agreed to.

## AMENDMENTS OFFERED BY MR. MINISH

Mr. MINISH. Mr. Chairman, I have a series of technical and conforming amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. MINISH: Page 5, line 12, strike out “(f)” and insert in lieu thereof “(g)”.

Page 6, strike out lines 7 through 11 and insert in lieu thereof the following:

(1) by striking out all that follows “which amount may be increased” in the third sentence; and

(2) by inserting

Page 10, strike out lines 5 through 21; and redesignate the succeeding sections accordingly.

Page 14, strike out “; and” in line 10 and all that follows down through “loans” in line 11.

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

There was no objection.

Mr. MINISH. Mr. Chairman, these amendments would conform the provisions of the bill under consideration, H.R. 6452, with the provisions of the Federal Aid to Highways Act (Public Law 93-87). As the Members will recall, there were a number of provisions contained in the Federal Aid to Highways Act that were added during the consideration of that bill that amend the Urban Mass Transportation Act. Some of these mass transit provisions in the highway bill are contained in H.R. 6452 and these amendments would simply strike the provisions in this bill which are already law.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

What is now left of the bill, besides the Advisory Board?

Mr. MINISH. I would have to agree with my friend. There is not much left to this bill.

Mr. GROSS. I thank the gentleman for informing the House that there is not much left to this bill as it presently stands. Apparently it can safely be voted against.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey (Mr. MINISH).

The amendments were agreed to.

## AMENDMENT OFFERED BY MR. BRASCO

Mr. BRASCO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRASCO: Page 7, after line 2, insert the following new section (and redesignate the succeeding sections accordingly):

## PROHIBITION AGAINST CHARGING OF EXTRA FARES ON ASSISTED TRANSIT FACILITIES

Sec. 5. Section 3 of the Urban Mass Transportation Act of 1964 (as amended by section 2(c) of this Act) is further amended by adding at the end thereof the following new subsection:

(h) No financial assistance shall be provided under this Act to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged for transportation utilizing or involving the facilities and equipment financed with such assistance will be uniform (subject to any reasonable charges which may be made for transfers), and will not vary on the basis of length of route or distance traveled except in accordance with a zone system or other uniform system which is in effect throughout the area served by such facilities and equipment, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.”

Mr. BRASCO. Mr. Chairman, the language of the amendment is rather long, as the Members have heard it read, but it really is a very simple amendment. The reason why the language is so lengthy is because I did not want to interfere with any other system of charging fares in the country.

What the amendment says, very simply, is that in order for any local body to qualify for assistance under this act, it would have to charge a uniform set of fares for all of the people in a region.

I do not know how many people face the problem that I face in a particular section in my own district, but, very simply, we have a situation where in 1956, the purchase of the Rockaway Division of the Long Island Railroad was effected by the New York City Transit Authority, and they concluded that a higher fare was necessary on this line. This was based on studies and, supposedly, opinion that revenue passengers would account for less than what the operational cost would be for this route. So in 1956, when the fare in New York City for the New York City Rapid Lines was 15 cents for everybody else in the city, it was 30 cents for the people of Rockaway and Broad Channel, an area that I represent.

Today people are paying 35 cents. For those people and only those people in the city of New York, it is 70 cents, which means that a working man and woman have to pay \$1.40 a day or \$7 a week to go from Rockaway or Broad Channel to Manhattan or downtown Brooklyn, to get to and from work.

Mr. Chairman, this is highly discriminatory. There is no reason why it should exist.

Dr. Ronan, who is the head of the MTA of the city, said that it is unconscionable that we would think of raising the fare from 35 cents to 70 cents. Yet these people now are paying 70 cents.

Mr. Chairman, I have discussed this amendment with the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. MINISH) and the ranking minority member, the gentleman from Michigan (Mr. BROWN), and I would hope that since I have discussed it with them personally and discussed it with them in committee, it would be accepted. I do not seek

to tamper with any other system in the country, but I would only direct myself to the discriminatory tactics I have described.

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

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

Mr. PATMAN. Mr. Chairman, we have discussed the amendment offered by the gentleman with members of the subcommittee and other committee members, and we are willing to accept the amendment on this side.

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

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

Mr. WYLIE. Mr. Chairman, do I understand that this amendment would provide for a situation where a person is charged two fares for one ride to Rockaway Hills in your district?

Mr. BRASCO. The gentleman is correct.

Mr. WYLIE. From Rockaway to New York and nothing else?

Mr. BRASCO. That is right, nothing else.

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

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

Mr. BENNETT. Mr. Chairman, I am not sure I heard accurately what the gentleman said, but it seems to me, as the gentleman described this, that the rates that are set up for old people and disabled persons on the bus system might be ruled out. By this amendment we might rule out the possibility of having different rates for old or disabled persons.

Mr. BRASCO. No.

Mr. BENNETT. It would not rule that out?

Mr. BRASCO. This does not touch that in any way.

Mr. BENNETT. Thank you.

Mr. BRASCO. I yield to my good friend from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. I thank the gentleman for yielding.

I concur with the gentleman. He has discussed this with us on this side of the aisle, and we have no objection to the amendment.

Mr. BRASCO. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BRASCO).

The amendment was agreed to.

AMENDMENTS OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I have several amendments that I offer and ask unanimous consent that they may be considered en bloc.

The Clerk read as follows:

Amendments offered by Ms. HOLTZMAN: Page 8, line 16, after "architecture;" insert "safety measures;"

Page 14, after line 22, add the following new section:

INVESTIGATION OF SAFETY HAZARDS IN URBAN MASS TRANSPORTATION SYSTEMS

Sec. 12. The Secretary of Transportation shall investigate unsafe conditions in any facility, equipment, or manner of operation

financed under this Act which creates a serious hazard of death or injury for the purpose of determining its nature and extent and the means which might best be employed to eliminate or correct it. If the Secretary determines that such facility, equipment, or manner of operation is unsafe, he shall require the State or local public body or agency to submit to the Secretary a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or implemented.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. HOLTZMAN. Mr. Chairman, these amendments concern safety of mass transit facilities. They are being offered by me and by my distinguished colleagues from New York: Representatives BADILLO, BIAGGI, and WOLFF. They reflect a joint effort by the four of us.

These amendments to the Urban Mass Transit Act of 1973 would help insure the safety of federally supported mass transit systems.

All of us would certainly agree that Federal funds should not be spent on unsafe mass transit equipment or facilities hazardous to the lives or limbs of those who use them. These amendments simply and effectively address the problem.

These amendments would require the Secretary of Transportation to investigate hazardous conditions on federally supported mass transit facilities. If the Secretary finds an unsafe condition, he can then require the State, locality, or relevant agency to submit a plan to correct the hazardous condition. The Secretary, if he deems it appropriate, may insure prompt corrective action by the State or locality by withholding further Federal funds until appropriate corrective action is undertaken.

These amendments apply not only to new forms of assistance provided under this year's act but to assistance provided pursuant to the terms of the 1964 Mass Transit Act. The amendments also require mass transit advisory councils to review and consider safety factors.

All of us are well aware of the tragedies that have resulted in various parts of the country as a result of hazardous mass transit facilities.

Just over a month ago, in New York City, we saw a tragic subway accident attributable to inadequate safety precautions. As a result of the collapse of an archaic duct structure, 1 man died and over 1,000 passengers were trapped in heavy smoke and 115-degree heat for over an hour. This was the latest of five similar accidents this year.

In Boston earlier this year, another subway nightmare occurred when a fire between stops trapped 400 riders in darkness and smoke until they were led out by rescue workers. Serious accidents have also occurred in San Francisco and Chicago.

Fortunately, many of the other mass transit accidents that have occurred have not resulted in substantial injury. But I do not think we can afford to wait

for another tragedy before we take action. Good planning and adequate safety inspection can alleviate most hazardous situations. But we need enforcement power as well, which these amendments would accomplish.

These amendments are important for another reason. Despite the multiplicity of accidents on the New York City subways, the Secretary of the Department of Transportation has refused to make any investigation. This amendment would mandate his investigation of the safety of the New York situation.

My colleagues and I initially intended to require planning for safety as a condition for obtaining operating subsidies. Unfortunately, because section 2 of the act dealing with planning was stricken, we were prevented from improving the act in that regard.

I wish to compliment and thank my colleagues from New York—HERMAN BADILLO, MARIO BIAGGI, and LESTER WOLFF—for their diligent efforts and cooperation in offering these amendments.

Safety, I am told, ranks with apple pie among noncontroversial issues. We must not allow it to become so noncontroversial that it is ignored.

I urge the adoption of these amendments.

Mr. MINISH. Will the gentlewoman yield?

Ms. HOLTZMAN. I would be happy to yield.

Mr. MINISH. Mr. Chairman, there is no objection on this side of the aisle.

Ms. HOLTZMAN. I understand also that there are no objections to these amendments from the Republican side with whom the amendments have previously been discussed.

I yield back the balance of my time.

Mr. BIAGGI. Mr. Chairman, I urge my colleagues to support the Biaggi-Holtzman-Badillo amendments on safety being offered en bloc by the gentlewoman from New York (Ms. HOLTZMAN). Since the amendments that we originally planned to offer independently are so closely related, we felt it would be better to offer them together for consideration jointly by the committee.

The existing legislation says nothing about building and supporting safe systems. New York has seen numerous accidents in the past year and the situation is deteriorating fast. I do not see any reason to pour millions of dollars into transit systems unless the people can use them safely.

The amendments will require the Secretary of Transportation to investigate unsafe conditions in these systems and require the State or local public body or agency to submit a plan for correcting any deficiencies. What happened in New York is that the Department of Transportation refused to undertake such a study recently. This is wrong. These studies should be automatic if dictated by evidence of unsafe conditions such as was the case in my city. They will not be carried out, however, unless mandated by law.

They will also call upon the State or

local government to submit to the newly established mass transportation advisory councils plans for improvement of mass transit facilities, including specific safety measures.

I cannot emphasize enough the importance of these amendments. Americans today enter many of our transit systems at their own peril. So many of the mass transit users are elderly or handicapped people who must rely on public transportation because they cannot afford or are unable to operate a car. They deserve to know they are using a safe system.

Mr. Chairman, I would like to add that I am pleased that my colleagues and I were able to get together and offer this joint package of amendments. We did not want to give the impression that these amendments are aimed at solving a problem peculiar to New York. Just as we are concerned about the efficiency of a transportation system, so too should we be concerned about its safety. I urge adoption of these amendments.

Mr. WOLFF. Mr. Chairman, I am happy to join my colleagues in offering this amendment to the Urban Mass Transportation Act of 1973. There is no question in my mind that safety considerations must be an integral part in both the planning and continued operation of rail facilities, and that the Secretary of Transportation must take the initiative for insuring that the highest safety standards are maintained by local officials responsible for supervising local rail systems.

As you may be aware, since the beginning of this summer, there have been six major accidents on New York City's rail system—two derailments, two fires, a collision, and the collapse of a subway tunnel entrapping a thousand persons for more than an hour. Many New Yorkers were injured as a result of these accidents, one man died and there were insupportable resulting delays to commuters.

Secretary Brinegar has been contacted by local officials and urged to conduct a systemwide safety investigation on behalf of New York's millions of subway and train riders with a view toward preventing similar catastrophes from occurring in the future. The Secretary has declined to conduct such an investigation on the grounds that these were unrelated accidents. However, I would like to point out to my colleagues that each of these six major accidents occurred on rail facilities supervised or leased by the Metropolitan Transportation Authority; in addition, the very fact that these were widespread incidents occurring on lines throughout the city, and not concentrated in one specific area or on one line, seem to indicate that there are safety problems connected with the entire rail systems as a whole.

While the amendment we are offering seeks to insure safety considerations with regard to every rail facility in the country, I would like to make clear, that in offering the amendment with my colleagues, it is my intent that the amendment would require a systemwide safety

investigation by the Secretary of Transportation of New York's rail facilities in particular. The amendment in part directs the Secretary to investigate any unsafe condition which creates a hazard of injury or death; as evidenced by the rash of accidents this summer, unsafe conditions decidedly obtain with regard to New York's rail system and an investigation by the Secretary of Transportation is therefore mandated under this amendment.

Mr. Chairman, I am sure there are many rail systems across the country which do not operate at a safety level adequate to minimize the hazard of injury or death to their riders. I do not want to see the safety and well-being of this Nation's millions of subway riders placed in jeopardy because the Secretary of Transportation is currently not required by law to investigate safety features of the rail systems on which they are dependent. I urge my colleagues to act favorably on our amendment in order to insure the American people the safe transportation to which they are entitled as taxpayers and fare-paying commuters.

Mr. BROWN of Michigan. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, I shall not take the 5 minutes. I just want to point out that with respect to the second amendment of the amendments offered en bloc the Secretary presently has the authority under the Motor Carrier Safety Act, the Motor Vehicle Safety Act and the Federal Rail Act to do that which the amendment proposes. I do not think it is a mischievous or harmful amendment, but I think it is unnecessary.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Ms. HOLTZMAN).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. M'KINNEY

Mr. MCKINNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCKINNEY: Page 7, line 3, strike section 5 and redesignate the succeeding sections accordingly.

Mr. MCKINNEY. Mr. Chairman, section 5 of this bill requires that a Mass Transportation Advisory Council be established to oversee policies and services of the transit system before such system would be eligible for assistance.

This provision is cumbersome and unrealistic. It asks more questions than it answers, and ties a millstone about the neck of transit systems—which according to proponents of this bill—are drowning in a sea of red ink. They already are in so much difficulty that they feel they must seek federal operating subsidies.

Specifically, section 5 provides that no financial assistance shall be provided unless a Mass Transportation Advisory Council has been established and that Council must review each application for assistance made by the transit system. It further states that each Council shall consist of one or more members representing each of the political subdivisions

served. It does not say whether such representation is to be proportional on the basis of the population of the subdivision, investment in the system, passenger use or miles traveled, or whether one representative from each subdivision will suffice regardless of other factors.

The section also adds a requirement that representatives of the general public, plus virtually all other interested groups be a part of the Council. It also insists that the membership "reflect the composition of the ridership" of the facilities, whatever that means. Mr. Chairman, the imposition of such an ill-defined and massive counseling body will inevitably delay, confuse, hamper and constrain the constructive improvement of transit systems. And, we all know that, as far as Washington, D.C., is concerned, George Allen would never let them meet in RFK Stadium during football season.

The Council will be expected to "advise and assist" in all policies and decisions which will then be subject to review of the Council. This review specifically includes:

Planning, design and architecture; construction contracts and subcontracts; the purchase of equipment and supplies; maintenance; related services such as concessions; hiring and training—managerial, technical, and professional—by local agencies having responsibility for mass transportation service in the area and their contractors and subcontractors; the location of routes and stations; and fares.

I submit that these functions are tantamount to full management of operations.

Possibly, if other more realistic safeguards of community interests were not present, it would make sense to try and establish a form of advisory council. But, even a cursory review of the statutes pertaining to Federal assistance for mass transportation activities shows there are ample safeguards available.

Surely we do not need the mass transportation advisory council.

First, all applications of Federal assistance must be submitted for review of an areawide planning organization which is composed of representatives of a unit of areawide government or general local governments. Demonstration Cities and Metropolitan Development Act, 1966; and

Second, all viewpoints—national, regional, State, and local are required to be considered and taken into account for all federally assisted development programs and projects—Intergovernmental Cooperation Act 1968.

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

Mr. MCKINNEY. I yield to the gentleman from New Jersey.

Mr. MINISH. Mr. Chairman, I thank the gentleman for yielding.

I would say to the gentleman from Connecticut that we on this side are willing to accept the amendment offered by the gentleman from Connecticut in view of the fact that the section is superfluous, and duplicative of an already existing function, and would further de-

lay, through the creation of additional redtape, the delivery of much-needed mass transportation.

Mr. MCKINNEY. Mr. Chairman, I thank the gentleman from New Jersey for supporting my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MCKINNEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRADEMAS: Page 14, line 23, add a new Section 12: "SECTION 12. Section 3(a) of the Urban Mass Transportation Act of 1964 is further amended by adding after the word "expenses", and before the period in the fifth sentence, the following: ", nor shall any grant or loan funds be used to support sole source procurements (except in unusual, justifiable circumstances) or procurements utilizing exclusionary or discriminatory specifications".

Mr. BRADEMAS. Mr. Chairman, the purpose of my amendment is to insure that Federal funds made available to local mass transit agencies for capital acquisitions be expended in a manner that is fair, and gives the Federal taxpayer the greatest return for his dollar.

With enactment of the highway aid bill earlier this summer, the Federal share in mass transit projects has been increased to 80 percent.

Under present law, however, Federal grantees under the mass transit program are not bound by the competitive requirements of Federal procurement regulations. This view has been upheld by the Federal courts, notably the U.S. District Court for the Eastern District of Pennsylvania which held in *Pullman, Inc. against Volpe* that Federal procurement regulations do not apply with respect to procurements by local agencies receiving aid under the Urban Mass Transportation Act of 1964. In the same case the court further held that the Urban Mass Transportation Act of 1964 itself—

Does not establish standards for competitive bidding procedures which must be satisfied before a grant may be awarded toward a contract for transportation equipment.

I should note that my amendment does not attempt to apply the full panoply of Federal procurement regulations to these purchases. Rather, the amendment simply requires that the spirit of the Federal regulations—fairness and economy in making purchases—be made applicable to these transactions.

This is not a novel idea. In requiring that the rule of competition govern these contracts, the amendment is analogous to the policy Congress adopted in the Federal Water Pollution Control Act Amendments of 1972, where grantee agencies were prohibited from utilizing proprietary, exclusionary, and discretionary specifications in construction contracts.

I think the same principles—fairness and economy in spending Federal tax dollars—should apply here, and hope the amendment will be accepted.

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

Mr. BRADEMAS. I yield to the distinguished chairman.

Mr. PATMAN. Mr. Chairman, we have discussed the amendment on this side of the aisle, and are willing to accept the amendment.

Mr. BRADEMAS. Mr. Chairman, I am grateful for the support of my amendment by the distinguished chairman, the gentleman from Texas (Mr. PATMAN).

PREFERENTIAL MOTION OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. FRENZEL moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. FRENZEL. Mr. Chairman, by action of the Committee of the Whole House on the State of the Union today we have stricken from this bill section 2 and section 5, and that almost guts the bill. As a matter of fact, when we discussed the amendment which ultimately eliminated section 2, the chairman of the subcommittee, the distinguished gentleman from New Jersey (Mr. MINISH) indicated that that amendment in itself gutted the bill.

Later on when the gentleman was queried by the gentleman from Iowa (Mr. Gross) the gentleman indicated that there was not much left in the bill.

Subsequent to that statement we removed section 5 which took out the advisory councils. Because of the action of the Highway Conference Report which extended and expanded the capital grant authority and increased the proportion of the Federal share of the capital grant, and made other provisions for mass transit assistance, it seems to me that there is no longer any reason for us to be dealing with the piece of legislation in front of us.

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

Mr. FRENZEL. I yield to the Chairman.

Mr. PATMAN. I thank the gentleman for yielding. Supposing a separate vote is taken on the amendment to strike out section 2 and the vote is the other way; would the gentleman still insist on striking out the enacting clause?

Mr. FRENZEL. Mr. Chairman, if my motion is adopted, we will not need to have a separate vote and we will be able to dispatch this bill.

Mr. PATMAN. Does the gentleman not think that in fairness anyone should have a right to ask for a separate vote on any amendment and leave it up to the House?

Mr. FRENZEL. Mr. Chairman, I have no way of rewriting the rules. All I should like to do is get a vote on my preferential motion, and I think the House has already spoken on this subject. I believe the issue is quite clear. We have really a skeleton before us which has little meaning. We can congratulate the Committee on Public Works for its work on the highway bill.

Mr. Chairman, I would hope that we

would adopt this motion to strike the enacting clause, and then the transit subcommittee can go back to work and try to produce something that makes a little more sense to all the Members.

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

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the proposal just made.

Mr. Chairman, during the debate on the rule, I carefully pointed out today that this bill was referred to the Committee on Banking and Currency and the Mass Transit Subcommittee on April 2, 1973. The committee did have hearings and finally reported out by a vote of 22 to 3 this bill on April 16, 1973. The Committee on Public Works did bring out the Federal Highway Act, and much of what they had in their Federal Highway Act was duplicated in this bill.

If anybody tries to tell us we have only a skeleton left, that is not true. This bill should have been considered long before the recess. It should have been considered before the Federal Highway Aid Act. Instead of that, it was put off, taken off the calendar once in order to meet a recess schedule, I believe, and finally taken up by the Committee on Rules most recently.

The only thing that has been taken out of this bill is that which is duplicated in the Federal Highway Act which was acted upon long after this bill was reported out by the Committee on Banking and Currency. There are some extremely important features in this bill that are important to mass transit, and to strike the enacting clause and put this whole bill down the drain would be a total mistake.

I mentioned awhile back that I was one of the original members of the board of directors of the Southeastern Pennsylvania Transit Authority. That Authority took in five counties: the County of Philadelphia and the Counties of Delaware, Montgomery, Bucks, and Chester. Living in that area are approximately 25 percent of the people of Pennsylvania, so I was not talking from any provincial standpoint.

What remains in this bill is good, and we should have it, and if anybody says all we have left is a skeleton, he fails to point out to the Members that all we have taken out is what was really passed into law by the Federal Highway Act which was reported out long after this bill was reported out.

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

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Minnesota (Mr. FRENZEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 268, not voting 23, as follows:

[Roll No. 494]

AYES—143

Abdnor  
Archer  
Arends  
Armstrong  
Ashbrook  
Bafalis  
Baker  
Bauman  
Beard  
Bevill  
Blackburn  
Bray  
Brown, Mich.  
Broyhill, N.C.  
Burgener  
Burke, Fla.  
Burke, Mass.  
Burlison, Mo.  
Butler  
Camp  
Carter  
Cederberg  
Chamberlain  
Clancy  
Clausen,  
Don H.  
Clawson, Del  
Cleveland  
Cochran  
Collins, Tex.  
Conlan  
Crane  
Daniel, Dan  
Daniel, Robert  
W. Jr.  
Davis, S.C.  
Davis, Wis.  
Dellenback  
Dennis  
Derwinski  
Devine  
Dickinson  
Dorn  
Duncan  
Edwards, Ala.  
Erlenborn  
Fisher  
Flowers  
Flynt

Ford, Gerald R. Pettis  
Fountain Powell, Ohio  
Frenzel Price, Tex.  
Frey Quie  
Froehlich Quillen  
Goodling Rarick  
Gross Regula  
Guyer Robinson, Va.  
Hammer- Robison, N.Y.  
schmidt Russelot  
Blackburn Hanrahan Ruth  
Hansen, Idaho Satterfield  
Brown, Mich. Harsha Saylor  
Broyhill, N.C. Hastings Scherle  
Burke, Fla. Hébert Schneebeli  
Burke, Mass. Hillis Sebellus  
Burlison, Mo. Hinshaw Shoup  
Butler Hosmer Shriner  
Camp Huber Shuster  
Carter Hutchinson Smith, N.Y.  
Ichord Snyder  
Cederberg Jarman Spence  
Chamberlain Johnson, Pa. Staggers  
Clancy Jones, N.C. Steiger, Ariz.  
Clausen, Keating Stuckey  
Don H. Ketchum Symms  
King Talcott Minshall, Ohio  
Landgrebe Taylor, Mo.  
Latta Teague, Calif.  
Lott Teague, Tex.  
Lujan Thomson, Wis.  
McCollister Thone  
Daniel, Dan McEwen Towell, Nev.  
Daniel, Robert McKinney Treen  
Mallary Veysey  
Martin, Nebr. Waggonner  
Martin, N.C. Wampler  
Mathias, Calif. Ware  
Mayne Wiggins  
Michel Wilson, Bob  
Miller Winn  
Mitchell, N.Y. Wydler  
Montgomery Wylie  
Moorhead, Calif. Wyman  
Edwards, Ala. Young, Alaska  
Myers Young, Fla.  
Nichols Young, S.C.  
O'Brien Zion  
Flynt Passman Zwach

NOES—268

Abzug  
Adams  
Addabbo  
Alexander  
Anderson,  
Calif.  
Anderson, III.  
Andrews, N.C.  
Andrews,  
N. Dak.  
Annunzio  
Ashley  
Aspin  
Badillo  
Barrett  
Bell  
Bennett  
Bergland  
Blaggi  
Bister  
Bingham  
Blatnik  
Boggs  
Boland  
Bolling  
Bowen  
Brademas  
Brasco  
Breaux  
Breckinridge  
Brinkley  
Brooks  
Broomfield  
Brotzman  
Brown, Calif.  
Brown, Ohio  
Broyhill, Va.  
Buchanan  
Burleson, Tex.  
Burton  
Byron  
Carey, N.Y.  
Casey, Ohio  
Casey, Tex.  
Chappell  
Chisholm  
Clark

Clay Gibbons  
Cohen Gilman  
Collier Ginn  
Collins, III. Goldwater  
Conable Gonzalez  
Conte Grasso  
Corman Gray  
Coughlin Green, Oreg.  
Cronin Green, Pa.  
Culver Griffiths  
Daniels, Dominick V. Gunter  
Danielson Haley  
Davis, Ga. Hamilton  
de la Garza Hanley  
Delaney Hansen, Wash.  
Dellums Harrington  
Denholm Harvey  
Dent Hawkins  
Diggs Hays  
Donohue Hechler, W. Va.  
Downing Heckler, Mass.  
Drinan Heinz  
Dulski Helstoski  
du Pont Henderson  
Eckhardt Hicks  
Edwards, Calif. Hogan  
Ellberg Holifield  
Eshleman Holt  
Evans, Colo. Holtzman  
Evins, Tenn. Horton  
Fascell Howard  
Findley Hudnut  
Fish Hungate  
Flood Hunt  
Foley Johnson, Calif.  
Ford, Jones, Okla.  
William D. Jones, Tenn.  
Forsythe Jordan  
Fraser Karth  
Freilinghuysen Kastenmeier  
Fulton Kazen  
Fuqua Kemp  
Gaydos Koch  
Gettys Kuykendall  
Giaimo Kyros

Landrum Lehman  
Lent Litton  
Long, La. Long, Md.  
McClory Quie  
Froehlich Quillen  
Goodling Rarick  
Gross Regula  
Guyer Robinson, Va.  
Hammer- Robison, N.Y.  
schmidt Russelot  
Blackburn Hanrahan Ruth  
Hansen, Idaho Satterfield  
Brown, Mich. Harsha Saylor  
Broyhill, N.C. Hastings Scherle  
Burke, Fla. Hébert Schneebeli  
Burke, Mass. Hillis Sebellus  
Burlison, Mo. Hinshaw Shoup  
Butler Hosmer Shriner  
Camp Huber Shuster  
Carter Hutchinson Smith, N.Y.  
Ichord Snyder  
Cederberg Jarman Spence  
Chamberlain Johnson, Pa. Staggers  
Clancy Jones, N.C. Steiger, Ariz.  
Clausen, Keating Stuckey  
Don H. Ketchum Symms  
King Talcott Minshall, Ohio  
Landgrebe Taylor, Mo.  
Latta Teague, Calif.  
Lott Teague, Tex.  
Lujan Thomson, Wis.  
McCollister Thone  
Daniel, Dan McEwen Towell, Nev.  
Daniel, Robert McKinney Treen  
Mallary Veysey  
Martin, Nebr. Waggonner  
Martin, N.C. Wampler  
Mathias, Calif. Ware  
Mayne Wiggins  
Michel Wilson, Bob  
Miller Winn  
Mitchell, N.Y. Wydler  
Montgomery Wylie  
Moorhead, Calif. Wyman  
Edwards, Ala. Young, Alaska  
Myers Young, Fla.  
Nichols Young, S.C.  
O'Brien Zion  
Flynt Passman Zwach

NOT VOTING—23

Burke, Calif. Kluczynski  
Conyers Leggett  
Dingell Sandman  
Esch Skubitz  
Gude Mills, Ark.  
Hanna Taylor, N.C.  
Johnson, Colo. Mizell  
Jones, Ala. Morgan  
Nelsen Vander Jagt  
Railsback White

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BRADEMAS).

The amendment was agreed to.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 6452, the Urban Mass Transportation Act of 1963.

Passage of this legislation is vital if we are to deal effectively with the critical problems of pollution, urban congestion, and the energy crisis. Dwindling revenues and passengers coupled with rising costs and fares have brought about a crisis in the mass transit field. In many of our larger cities, transit fares are threatening to rise to 50 cents. Yet statistics show that as fares rise above 35 cents, revenue drops and people again turn to the automobile.

A single mass transit vehicle can take 30 to 60 automobiles off our crowded roads. Mass transit must become a viable commuter alternative if we are not to aggravate our pollution and congestion problems. I am particularly concerned about the chaos that could result from the implementation of air quality plans

under the Clean Air Act without adequate alternatives for persons now commuting in the Trenton-Philadelphia metropolitan area by auto. Environmental Protection Agency plans call for increases in the cost of downtown parking, outright prohibition of vehicles from downtown areas, prohibitions on construction of parking areas and imposition of auto-use taxes.

In light of the severe operating problems of mass transit as outlined in the committee's report, I strongly support the Federal operating assistance provisions of H.R. 6452. It provides \$400 million for each of the fiscal years 1974 and 1975 to help State and local public transportation bodies meet operating expenses. Only about 6 cents of each transportation dollar in this year's budget will go to mass transit, and all of this Federal money is for capital needs—not operating expenses.

A major cause of the crisis in urban transportation today lies in the breakdown of private bus companies in small cities, like my home city of Trenton in Mercer County. Studies by the Committee show that more than 100 bus companies have ceased operations in small cities. Local governments, in most cases, do not have the financial and taxing ability to purchase and run a bus company. Those, like Mercer County, which have assumed the operation of the private transportation system are simply unable to meet the increasing cost of subsidized operating deficits.

Under a provision of this year's Federal aid to highway act, local governments are barred from receiving Federal funds for buying buses or other transit equipment if they operate charter buses in competition with private operators. This seriously affects Mercer County, whose Mercer County metro bus system operates 10 charter buses and wants to replace them with new vehicles and add five more to expand service. Charter operations are the only part of the metro operation which operates at a profit. The net revenues from these charter buses have enabled the local bus system to reduce the annual deficit by approximately \$175,000. The Mercer County improvement authority, which operates the metro system, estimates that a 15-bus operation could raise \$313,000 in the first year. Without charter operations, the total operating deficit—which was about \$800,000 last year—would be much higher and would have to be made up by the taxpayers.

Private charter operators are unwilling and unable to provide the money-losing but essential everyday service which Mercer Metro provides. It is unfair that the Federal Government should suddenly cut off local transit company charter rights without providing any replacement for the lost revenues. Local transportation authorities are being asked to decide between continuing their charter operations and sacrificing future Federal aid for capital purchases or giving up charters and trying to find new revenue sources to make up deficits. For

most local governments, this is an impossible situation.

H.R. 6452 would provide the assistance for operating subsidies that is critically needed by smaller cities and towns as well as large metropolitan areas. The bill would base distribution of funds, in part, on the number of passengers carried. This is a sensible approach that would encourage operators to improve patronage by stabilizing fares and improving service. It would benefit systems like Mercer Metro, which has shown a steady increase in patronage. The passage of H.R. 6452 will signify the Federal Government's commitment to mass transportation as an answer to the growing problems of air pollution, congestion, and gasoline scarcity. I urge my colleagues to support this legislation.

AMENDMENT OFFERED BY MR. MATSUNAGA

MR. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: On page 14 add a new section, appropriately numbered, to read as follows:

"Nothing contained in this Act shall require the charging of fares to elderly and handicapped persons."

MR. MATSUNAGA. Mr. Chairman, the amendment which I offer is in effect an amendment which I had proposed to offer to section 2, which was stricken in toto by the Wylie amendment. In the event that on a separate vote in the House, section 2 is restored, this amendment will take the place of the amendment which I was proscribed from offering by the parliamentary situation. Both the majority and the minority members of the committee have agreed to accept this amendment.

Mr. Chairman, the amendment which I offer is simple and straightforward. It contains the provision in the bill which will require any system receiving assistance under the bill's provisions to permit elderly and disabled persons to ride for no more than half fare during nonpeak hours.

That is a commendable provision, and the committee is to be congratulated on its inclusion. My amendment would merely assure that the committee's intent would be carried out in certain unusual cases.

In Honolulu, Hawaii, elderly residents, 65 years and older, may ride city buses free of charge at any time of the day. Under this policy nearly 4 million free bus rides were taken by elderly citizens in Honolulu during 1972, a dramatic increase over earlier figures. In a typical month in 1971, when elderly passengers could ride free only between 9 a.m. and 2 p.m., about 8,000 free riders used Honolulu's buses. In October of last year, after the elderly were permitted to ride without charge at any time of day, 330,000 riders took advantage of the service. My amendment would simply clarify the language in section 2 of H.R. 6452, to assure that the bus transit systems in Honolulu and elsewhere will not be required to begin charging their elderly passengers up to half fare where none is now charged.

Also, since the bill bases its apportionment of funds in part on the number of revenue passengers and revenue passenger miles provided by the system, doubt might exist over whether the systems would receive full credit for free rides provided to the elderly or handicapped. Coupled with language in the committee report, my amendment would erase any such doubt. To do otherwise would be to penalize those systems which respond most faithfully to the committee's mandate to make public transportation more accessible to the elderly and disabled.

The important feature of my amendment, Mr. Chairman, is its limited scope. The present language might well require charging the elderly and handicapped fares which "will not exceed one-half" of the normal fare. My amendment would merely make it clear that that provision is intended to lower fares for the elderly and handicapped, not to increase them or initiate them where none is now charged.

Mr. Chairman, I trust that my colleagues will support my amendment, and I urge its adoption.

MR. PATMAN. Mr. Chairman, will the gentleman yield?

MR. MATSUNAGA. I yield to the gentleman.

MR. PATMAN. Mr. Chairman, we are acquainted with the amendment on this side, and we are willing to accept it on our part.

MR. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

MR. MATSUNAGA. I yield to the gentleman from Michigan.

MR. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

The gentleman has discussed this amendment with the Members on this side of the aisle, and the amendment is acceptable to us.

MR. MATSUNAGA. I thank both the gentleman from Texas (Mr. PATMAN) and the gentleman from Michigan (Mr. BROWN).

THE CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii.

The amendment was agreed to.

THE CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. McFALL, 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. 6452) to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes, pursuant to House Resolution 372, he reported the bill back to the House with sundry amendments 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?

MR. PATMAN. Mr. Speaker, I demand a separate vote on the so-called Wylie amendment.

THE SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

THE SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 1, strike out line 5 and all that follows thereafter through page 5, line 18.

Redesignate the succeeding sections according.

THE SPEAKER. The question is on the amendment.

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

MR. WYLIE. 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 205, nays 210, not voting 20, as follows:

[Roll No. 495] YEAS—205		
Abdnor	Erlenborn	Mayne
Alexander	Eshleman	Michel
Andrews,	Evans, Colo.	Miller
N. Dak.	Findley	Minshall, Ohio
Archer	Fish	Mitchell, N.Y.
Arends	Fisher	Montgomery
Armstrong	Flowers	Moorhead,
Ashbrook	Flynt	Calif.
Bafalis	Ford, Gerald R.	Myers
Baker	Fountain	Natcher
Bauman	Frenzel	Nichols
Beard	Frey	O'Brien
Bennett	Froehlich	O'Hara
Bevill	Fuqua	Passman
Blackburn	Goldwater	Pettis
Bowen	Goodling	Pickle
Bray	Gross	Poage
Breux	Gubser	Powell, Ohio
Brinkley	Guyer	Preyer
Brooks	Haley	Price, Tex.
Broomfield	Hammer-	Quie
Brotzman	schnmidt	Quillen
Brown, Ohio	Hanrahan	Rankin
Broyhill, N.C.	Hansen, Idaho	Regula
Broyhill, Va.	Harsha	Rhodes
Burgener	Harvey	Roberts
Burke, Fla.	Hastings	Robinson, Va.
Burleson, Tex.	Hays	Robison, N.Y.
Burlison, Mo.	Heinz	Rogers
Butler	Hillis	Rousselot
Byron	Hinshaw	Roy
Camp	Hogan	Ruppe
Carter	Holt	Ruth
Cederberg	Hosmer	Ryan
Chamberlain	Huber	Satterfield
Chappell	Hudnut	Saylor
Clancy	Hutchinson	Scherle
Clausen,	Ichord	Schneebeli
Don H.	Jarman	Sebelius
Clawson, Del	Johnson, Calif.	Shoup
Cleveland	Johnson, Pa.	Shriver
Cochran	Jones, N.C.	Shuster
Cohen	Jones, Okla.	Sikes
Collier	Jones, Tenn.	Slack
Collins, Tex.	Keating	Smith, N.Y.
Conable	Kemp	Snyder
Conlan	Ketchum	Spence
Conte	King	Stanton,
Crane	Kuykendall	J. William
Daniel, Dan	Landgrebe	Steed
Daniel, Robert	Landrum	Steiger, Ariz.
W., Jr.	Letta	Steiger, Wis.
Davis, Ga.	Lott	Stubblefield
Davis, S.C.	Lujan	Stuckey
Davis, Wis.	McClory	Symms
Dellenback	McCollister	Talcott
Denholm	McEwen	Taylor, Mo.
Dennis	McKay	Teague, Calif.
Derwinski	Madigan	Teague, Tex.
Devine	Mallary	Thomson, Wis.
Dickinson	Mann	Thone
Dorn	Martin, Nebr.	Towell, Nev.
Downing	Martin, N.C.	Treen
Duncan	Mathias, Calif.	Veysey
Edwards, Ala.	Mathis, Ga.	Waggoner



The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

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

S. 2335. An act to amend the Foreign Assistance Act of 1961, and for other purposes.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN H.R. 6452

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill just passed, the Clerk shall have authority to make any necessary corrections in punctuation and section numbers, including cross references.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 386

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

**TITLE I—EMERGENCY COMMUTER RELIEF FINDINGS**

SEC. 101. The Congress finds—

(1) that over 70 per centum of the Nation's population lives in urban areas;

(2) that transportation is the lifeblood of an urbanized society and the health and welfare of that society depends upon the provision of efficient economical and convenient transportation within and between its urban areas;

(3) that for many years the mass transportation industry satisfied the transportation needs of the urban areas of the country capably and profitably;

(4) that in recent years the maintenance of even minimal mass transportation service in urban areas has become so financially burdensome as to threaten the continuation of this essential public service;

(5) that the termination of such service or the continued increase in its cost to the user is undesirable, and may have a particularly serious adverse effect upon the welfare of a substantial number of lower income persons;

(6) that some urban areas are now engaged in developing preliminary plans for, or are actually carrying out, comprehensive projects to revitalize their mass transportation operations; and

(7) that immediate substantial Federal assistance is needed to enable many mass transportation systems to continue to provide vital service.

SEC. 102. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu

thereof "Except as provided in subsection (f), no"; and

(2) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis (including a reasonable fare structure), and (3) the Secretary determines that the mass transportation service provided by each system involved is being provided by an efficient operation of such system in accordance with regulations promulgated by the Secretary.

"Notwithstanding the provisions of the fifth sentence of section 4(a), the amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant.

"The Secretary shall require, as a condition of assistance under this subsection, each State or local public body to submit an annual report describing the implementation of its mass transportation service improvement plan. If the Secretary finds, after opportunity for a hearing on the record, that a State or local public body receiving assistance under this subsection has not made reasonable progress in the implementation of its plan, he shall suspend further assistance under this subsection until such time as he determines that reasonable progress is being made."

"(b) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

"(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and sections 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed \$800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liqui-

dation of the obligations incurred under this paragraph not to exceed \$400,000,000 prior to July 1, 1974, which amount may be increased to not to exceed an aggregate of \$800,000,000 prior to July 1, 1975. Sums so appropriated shall remain available until expended."

"(d) (1) Section 12(c) of such Act is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service."

"(2) Section 12 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The provision of assistance for the payment of operating expenses under section 3(f) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

**TITLE II—FARE-FREE MASS TRANSPORTATION DEMONSTRATIONS**

SEC. 201. The Secretary of Transportation (hereinafter referred to as the "Secretary") shall enter into such contracts or other arrangements as may be necessary for research and the development, establishment, and operation of demonstration projects to determine the feasibility of fare-free urban mass transportation systems.

SEC. 202. Federal grants or payments for the purpose of assisting such projects shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs for any fiscal year for which such contract or other arrangement is in effect.

SEC. 203. The Secretary shall select cities or metropolitan areas for such projects in accordance with the following:

(1) to the extent practicable, such cities or metropolitan areas shall have a failing or nonexistent or marginally profitable transit system, a decaying central city, automobile-caused air pollution problems, and an immobile central city population;

(2) several projects should be selected from cities or metropolitan areas of differing sizes and populations;

(3) a high level of innovative service must be provided including the provisions of cross-town and other transportation service to the extent necessary for central city residents and others to reach employment, shopping, and recreation; and

(4) to the extent practicable, projects utilizing different modes of mass transportation shall be approved.

SEC. 204. The Secretary shall study fare-free systems assisted pursuant to this title, and other financially assisted urban mass transportation systems providing reduced fares for the purpose of determining the following:

(1) the effects of such systems on (i) vehicle traffic and attendant air pollution, congestion, and noise, (ii) the mobility of urban residents, and (iii) the economic viability of central city business;

(2) the mode of mass transportation that can best meet the desired objectives;

(3) the extent to which frivolous ridership increases as a result of reduced fare or fare-free systems;

(4) the extent to which the need for urban highways might be reduced as a result of reduced fare or fare-free systems; and

(5) the best means of financing reduced

fare or fare-free transportation on a continuing basis.

SEC. 205. The Secretary shall make annual reports to the Congress on the information gathered pursuant to section 204 of this title and shall make a final report of his findings, including any recommendations he might have to implement such findings, not later than June 30, 1975.

SEC. 206. In carrying out the provisions of this title, the Secretary shall provide advisory participation by interested State and local government authorities, mass transportation systems management personnel, employee representatives, mass transportation riders, and any other persons that he may deem necessary or appropriate.

SEC. 207. There is hereby authorized to be appropriated not to exceed \$20,000,000 for each of the fiscal years ending on June 30, 1974, and June 30, 1975, respectively, to carry out the provisions of this title.

MOTION OFFERED BY MR. PATMAN

MR. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of S. 386 and insert in lieu thereof the provisions of H.R. 6452 as passed, as follows:

That this Act may be cited as the "Urban Mass Transportation Assistance Act of 1973".

#### ASSISTANCE FOR OPERATING EXPENSES

SEC. 2. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following new sentence: "The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of mass transportation service in urban areas, allocating any funds made available for assistance under this sentence among the various State and local public bodies and agencies thereof in the manner provided in subsection (g): *Provided*, That no assistance shall be provided under this sentence to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed with such assistance will not exceed one-half of the rates generally applicable to other persons, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

(b) Section 3(c)(2) of such Act is amended by inserting "(including grants for payment of operating expenses)" after "project grants".

(c) Section 3 of such Act is further amended by adding at the end thereof the following new subsections:

(1) No financial assistance shall be provided to any State or local public body or agency thereof for payment of operating expenses incurred in connection with the provision of mass transportation service unless the applicant State or public body or agency has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in the urban area or areas involved, and for placing mass transportation operations in such area or areas on a sound financial basis.

(g) The funds made available for as-

sistance in the payment of operating expenses under the third sentence of subsection (a) for any fiscal year shall be allocated by the Secretary among the various States and local public bodies and agencies thereof (without regard to section 15) on the basis of a formula under which the urbanized areas of eligible applicants in any State will be entitled to receive an amount equal to the sum of—

(1) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total population of the urbanized areas of eligible applicants in that particular State, and the denominator of which is the total population of the urbanized areas of eligible applicants in all the States;

(2) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total number of revenue passengers carried by mass transportation systems in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total number of such passengers carried by mass transportation systems in the urbanized areas of eligible applicants in all the States; and

(3) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in all the States."

(d) (1) Section 4 of such Act is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

(d) To finance grants to assist States and local public bodies and agencies thereof in the payment of operating expenses under the third sentence of section 3(a), there is authorized to be appropriated not to exceed \$400,000,000 for the fiscal year ending June 30, 1974, and \$400,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for either such fiscal year may be appropriated for any succeeding fiscal year."

(2) The first sentence of section 4(c) of such Act is amended by inserting after "under sections 3, 7(b), and 9 of this Act" the following: "(other than grants made under the third sentence of section 3(a))".

(e) Section 12 of such Act is amended by adding at the end thereof the following new subsection:

(f) The provision of assistance for the payment of operating expenses under the third sentence of section 3(a) shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable."

#### INCREASE IN GRANT RATIO

SEC. 3. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 (other than a project for payment of operating expenses) shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative rereservation on or before July 1, 1973.

#### INCREASE IN BASIC ASSISTANCE AUTHORITY

SEC. 4. (a) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out all that follows "which amount may be increased" in the third sentence; and

(2) by inserting in lieu thereof "to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972, not to exceed an aggregate of \$1,000,000,000 prior to July 1, 1973, not to exceed an aggregate of \$2,000,000,000 prior to July 1, 1974, not to exceed an aggregate of \$3,000,000,000 prior to July 1, 1975, not to exceed an aggregate of \$4,500,000,000 prior to July 1, 1976, not to exceed an aggregate of \$5,500,000,000 prior to July 1, 1977, and not to exceed an aggregate of \$6,100,000,000 thereafter."

(b) The first sentence of section 4(c) of such Act is amended by inserting immediately before the period at the end thereof the following: "to the extent that such amounts are or were appropriated to finance such grants and loans and have not been reserved or made available for any other purpose".

#### PROHIBITION AGAINST CHARGING OF EXTRA FARES ON ASSISTED TRANSIT FACILITIES

SEC. 5. Section 3 of the Urban Mass Transportation Act of 1964 (as amended by section 2(c) of this Act) is further amended by adding at the end thereof the following new subsection:

(h) No financial assistance shall be provided under this Act to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged for transportation utilizing or involving the facilities and equipment financed with such assistance will be uniform (subject to any reasonable charges which may be made for transfers), and will not vary on the basis of length of route or distance traveled except in accordance with a zone system or other uniform system which is in effect throughout the area served by such facilities and equipment, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

#### ELIGIBILITY OF QUASI-PUBLIC DEVELOPMENT CORPORATIONS

SEC. 6. (a) The first sentence of section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting "(1)" after "financing", and by inserting before the period at the end thereof the following: ", and (2) the establishment and organization of public or quasi-public transit corridor development corporations or entities".

(b) The second sentence of section 3(a) of such Act is amended to read as follows: "Eligible facilities and equipment may include personal property including busses and other rolling stock and real property including land (but not public highways), within the entire zone affected by the construction and operation of transit improvements, including station sites, needed for an efficient and coordinated mass transportation system which is compatible with socially, economically, and environmentally sound patterns of land use."

#### COORDINATION OF URBAN MASS TRANSIT PROGRAMS WITH MODEL CITIES PROGRAMS

SEC. 7. Section 103(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and

(2) by inserting after paragraph (3) the following new paragraph:

(4) any program which includes a transportation component as a project or activity to be undertaken meets the requirements of section 3(e) of the Urban Mass Transportation Act of 1964;".

#### LIMITATION ON MASS TRANSIT FUNDING RELATED TO PUPIL TRANSPORTATION

SEC. 8. (a) Section 3(e) of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "(e)":

(2) by redesignating clauses (1) through (4) as clauses (A) through (D), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) No financial assistance shall be provided under this section to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions, or proposes to expand present routes, schedules, service, or facilities for the purpose of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions, in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such schoolchildren and school personnel; except that this paragraph shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such schoolchildren and school personnel along with facilities to be used therefor) was so engaged at any time during the twelve-month period immediately prior to the date of the enactment of this paragraph."

(b) Section 12(e) of such Act is amended by inserting before the period at the end thereof the following: " , or from enforcing the limitation described in section 3(e)(2)".

#### ELIMINATION OF ASSISTANCE IN FORM OF PROJECT LOANS

SEC. 9. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 (as amended by section 2(a) of this Act) is amended—

(1) by striking out "or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise)" in the first sentence;

(2) by striking out "or loan" in the fourth sentence; and

(3) by striking out "The Secretary may make" in the fifth sentence and inserting in lieu thereof "The Secretary is also authorized to make".

(b) Section 3(c) of such Act (as amended by section 2(b) of this Act) is amended by striking out "No loans" in the first sentence and all that follows down through "this section" in the second sentence, and insert in lieu thereof "Interest on loans made under subsection (b)".

(c) Section 3(d) of such Act is amended by striking out "or loan".

(d) Section 12(b) of such Act is amended by striking out "loan or".

(e) Section 13(a) of such Act is amended by striking out "loans or" and "loan or".

(f) Section 16(b) of such Act is amended by striking out "and loans" each place it appears.

#### STUDY OF RURAL TRANSPORTATION NEEDS

SEC. 10. The Secretary of Transportation shall conduct a full and complete study and investigation of the public transportation needs of rural and other nonurban areas in the United States, giving particular attention to the needs of cities, towns, and other political subdivisions (outside urban areas) having a population of 50,000 or less, and of any changes in the Federal law which would be required in order to meet such needs. The Secretary shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

#### INVESTIGATION OF SAFETY HAZARDS IN URBAN MASS TRANSPORTATION SYSTEMS

SEC. 11. The Secretary of Transportation shall investigate unsafe conditions in any facility, equipment, or manner of operation financed under this Act which creates a serious hazard of death or injury for the purpose of determining its nature and extent and the means which might best be employed to eliminate or correct it. If the Secretary determines that such facility, equipment, or manner of operation is unsafe, he shall re-

quire the State or local public body or agency to submit to the Secretary, a plan for correcting the unsafe facility, equipment, or manner of operation, and the Secretary may withhold further financial assistance to the applicant until such plan is approved or implemented.

Sec. 12. Section 3(a) of the Urban Mass Transportation Act of 1964 is further amended by adding after the word "expenses", and before the period in the fifth sentence, the following:

" , nor shall any grant or loan funds be used to support sole source procurements (except in unusual, justifiable circumstances) or procurements utilizing exclusionary or discriminatory specifications".

Sec. 13. Nothing contained in this Act shall require the changing of fares to elderly and handicapped persons.

Amend the title so as to read: "An Act to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes."

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 was amended so as to read: "To amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6452) was laid on the table.

#### PERSONAL STATEMENT

Mr. BURKE of Massachusetts. Mr. Speaker, on rollcall No. 494 I am recorded as voting "yea." I inadvertently pushed the wrong button, I intended to vote "no," and I ask unanimous consent my statement appear in the RECORD immediately following the rollcall.

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

There was no objection.

#### GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include relevant and extraneous matter on the bill just passed.

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

There was no objection.

#### CONFERENCE REPORT ON H.R. 9639 TO AMEND THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs:

#### CONFERENCE REPORT (H. REPT. NO. 93-540)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 6, and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 10, and 11, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

In the matter proposed to be inserted by Senate amendment numbered 12, insert June 30, before 1974; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 9, 13, and 14.

CARL D. PERKINS,

LLOYD MEEDS,

ALBERT H. QUIE,

*Managers on the Part of the House.*

JAMES B. ALLEN,

GEORGE McGOVERN,

HUBERT H. HUMPHREY,

MILTON R. YOUNG,

ROBERT DOLE,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment Numbered 1: The bill, as passed by the House, amends section 4 of the National School Lunch Act by increasing the national average payment per lunch used in determining food assistance payments from eight cents to ten cents per lunch.

Senate amendment numbered 1 increases the national average payment per lunch used in determining food assistance payments to twelve cents per lunch. The Senate recedes.

Amendments Numbered 2, 3, 4, 6, and 7: These amendments offered by Senator Stevens provided that funds which would otherwise be paid to Alaska under sections 4, 5, and 10 of the National School Lunch Act in any fiscal year, and under sections 4 and 4(f) of the Child Nutrition Act of 1966 in any fiscal year shall be increased by 25 percent. The Senate recedes. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 13, and concur therein with an amendment which provides, in part, that the study conducted under Senate amendment numbered 13 will include a study of differences among regions, including Alaska, in the cost of preparing lunches and breakfasts.

Amendment Numbered 5: Senate amendment numbered 5 amends section 11 of the National School Lunch Act by providing that for fiscal years subsequent to fiscal year 1975, the national average payment per lunch under section 4 of the National School Lunch Act, the special-assistance factors for lunches under section 11 of such Act, and the national average breakfast payments under section 4 of the Child Nutrition Act of 1966 shall

reflect changes in the cost of operating a school lunch and a school breakfast program. Senate amendment numbered 5 also provides that, in determining such changes, the Secretary of Agriculture must give equal weight to changes in the wholesale prices of all foods and in hourly wage rates for employees of eating establishments.

The bill as passed by the House contains no such provision.

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 5, and concur therein with an amendment described and set forth below, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment of the House, referred to above, would provide (a) that changes in the cost of operating a school lunch and a school breakfast program shall be reflected in the reimbursement rates listed in Senate amendment numbered 5, (b) that the Secretary shall make an adjustment of such reimbursement rates on January 1, 1974, and semiannually thereafter, (c) that such adjustments shall reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, and (d) that such adjustments shall be computed to the nearest one-quarter cent. The adjustment for January 1, 1974, shall reflect the change in the series for food away from home during the period September 1973 through November 1973.

The text of the amendment follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 5, insert the following: The Secretary shall prescribe on July 1 of each fiscal year, and on January 1, of each fiscal year, semiannual adjustments in the national average rates for lunches served under section 4 of the National School Lunch Act and the special assistance factor for the lunches served under section 11 of the National School Lunch Act, and the national average rates for breakfasts served under section 4 of the Child Nutrition Act of 1966, as amended, that shall reflect changes in the cost of operating a school lunch and breakfast program under these Acts, as indicated by the change in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided*, That the initial such adjustment shall reflect the change in the series for food away from home during the period September 1973, through November 1973: *Provided further*, That each subsequent adjustment shall reflect the changes in the series for food away from home for the most recent six-month period for which such data are available: *Provided further*, That such adjustments shall be computed to the nearest one-fourth cent.

Amendment Numbered 8: Under Senate amendment numbered 8, the Secretary of Agriculture shall make grants under section 17 of the Child Nutrition Act of 1966 (the Special Supplemental Food Program for pregnant or lactating women, infants, and children determined to be at nutritional risk) to agencies of Indian tribes, bands, or groups, or the Indian Health Service of the Department of Health, Education, and Welfare, as well as to State agencies as provided under existing law. The bill as passed by the House contains no such provision. The House recedes.

Amendment Numbered 9: The bill as passed by the House amends section 17 of the Child Nutrition Act of 1966 by extending the authorization and expenditure level (section 32 of the Act of 1935) of the Special Supplemental Food Program for pregnant or lactating women and children determined to

be at nutritional risk for one additional fiscal year (the fiscal year ending June 30, 1975) at the same level.

Senate amendment numbered 9 also extends such authorization for such additional year, but increases the level of authorization and expenditure from \$20,000,000 as contained in the bill as passed by the House, to a level of \$40,000,000.

Senate amendment numbered 9 is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 5 and concur therein.

Amendment Numbered 10: Senate amendment numbered 10 amends section 3 of the Child Nutrition Act of 1966 by adding to the requirements of that section a mandate that any school or nonprofit child care institution shall receive the special milk program on its request, and a mandate that children who qualify for free lunches under guidelines set forth by the Secretary shall also be eligible for free milk.

The bill as passed by the House contains no comparable provision.

The House recedes.

Amendment Numbered 11: Senate amendment numbered 11 amends section 14 of the National School Lunch Act—

(a) by increasing the number of members on the National Advisory Council from 13, as in existing law, to 15, and

(b) by requiring that one of the members of such Council shall be a school lunch program supervisor from an urban school system and one member of such Council shall be a school lunch program supervisor from a rural school system.

The bill as passed by the House contains no comparable provision.

The House recedes.

Amendment Numbered 12: Senate amendment numbered 12 amends that part of section 9(b) of the National School Lunch Act which directs each State educational agency to prescribe, each fiscal year, income guidelines to be used during such fiscal year to determine eligibility for reduced-price lunches. Existing law provides that such income guidelines shall not be more than 50 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture. Senate amendment numbered 12 provides that, for fiscal year 1974, such income guidelines may be established at not more than 75 percent above the applicable income levels in the income poverty guideline prescribed by the Secretary of Agriculture.

The bill as passed by the House contains no comparable provision.

The House recedes from its disagreement to the Senate amendment and concurs therein with a technical amendment which inserts "June 30," before "1974" where it occurs in the Senate amendment.

Amendment Numbered 13: Senate amendment numbered 13 directs the Secretary of Agriculture to carry out a comprehensive study to determine if the benefits of the school lunch and child nutrition programs accrue to those who are most in need. The Secretary must report his findings and any recommendations to Congress by June 30, 1974.

The bill as passed by the House contains no comparable provision.

This amendment is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from their disagreement to the Senate amendment numbered 13 and concur therein, with an amendment and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment is as follows:

In lieu of the matter proposed to be in-

serted by Senate amendment numbered 13, insert the following:

COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

SEC. 9. The Secretary of Agriculture is authorized and directed to carry out a comprehensive study to determine if the benefits of programs carried out under the National School Lunch Act and Child Nutrition Act are accruing to the maximum extent possible to all of the nation's school children, including a study to determine if those most in need are receiving free lunches, and to determine if significant regional cost differentials exist in Alaska and other States so as to require additional reimbursement. The Secretary shall report his findings, together with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974. The Secretary shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition. Alternatives to the present structure, including but not limited to the universal feeding program, shall be included in the study.

It is the intent of the conferees with respect to the amendment of the House, referred to above, that this study would determine (a) whether the benefits under the National School Lunch and Child Nutrition Acts are accruing to the maximum extent possible to all of the Nation's school children, (b) whether those children who are most in need are receiving the benefits under these programs, (c) the general efficiency of operating these programs and how waste that might be occurring in these programs might be eliminated or minimized, and (d) the need to recognize differences among regions, including Alaska, in the costs of operating a school lunch and breakfast program in determining the Federal reimbursement rates for such programs in such regions. The conferees also intend that, in carrying out such study, the Secretary of Agriculture shall consider any recommendations made by the Department of Health, Education, and Welfare, the General Accounting Office, the National Advisory Council on Child Nutrition, and interested professional organizations or individuals in the field of child care and nutrition, and shall consider alternatives to the present structure, including the universal feeding program.

Amendment Numbered 14: Senate amendment numbered 14 suspends for fiscal year 1974 the application of section 5(d)(2) of Public Law 81-874 in determining the eligibility of a local educational agency to receive impact aid funds, if such agency is located in a State which has adopted an education equalization program after June 30, 1972.

The bill as passed by the House contains no comparable provision.

Amendment numbered 14 is reported in technical disagreement. The managers on the part of the House will offer a motion to recede from the disagreement to the Senate amendment numbered 14, and concur therein, with a technical amendment to strike out "as" from the first sentence thereof, and the managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CARL D. PERKINS,

LLOYD MEEDS,

ALBERT H. QUIRE,

Managers on the Part of the House.

JAMES B. ALLEN,

GEORGE McGOVERN,

HUBERT H. HUMPHREY,

MILTON R. YOUNG,

ROBERT DOLE,

Managers on the Part of the Senate.

**PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT OCTOBER 10, 1973, TO FILE REPORT ON H.R. 10710, TRADE REFORM ACT OF 1973**

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Wednesday, October 10, 1973, to file a report on the bill, H.R. 10710, the "Trade Reform Act of 1973," along with any separate and/or minority views, if any.

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

There was no objection.

**TRADE REFORM ACT OF 1973**

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

Mr. ULLMAN. Mr. Speaker, I requested this time to address the House in order to announce to the House that the Committee on Ways and Means this afternoon ordered favorably reported H.R. 10710, the "Trade Reform Act of 1973." This bill has been developed after the most extensive and careful consideration by the Committee on Ways and Means over a period of many months. It was ordered reported by a very large majority vote of the committee of 20 to 5. We expect to file the committee report on the bill not later than midnight next Wednesday, October 10, and it is our hope that we will be heard by the Rules Committee early in the following week.

I would like to advise the Membership of the House that I have been authorized and directed by the Committee on Ways and Means to request from the Rules Committee a rule which would be closed except for a separate motion to strike title IV of the bill, which relates to trade relations with countries not enjoying most-favored-nation treatment, and a separate motion to strike title V of the bill, which provides for a generalized system of preferences. It was the feeling of the Committee on Ways and Means that the House would want to work its will separately with reference to those two titles, which could be separable from the balance of the bill.

Mr. Speaker, since I do not wish to further delay the House at this point, I do not wish to go into detail with reference to the bill but I will simply make one statement, and that is that the bill is a good bill, it differs vastly from the bill which was sent to us by the administration, and it is a bill which I feel confident is in the best interest of the United States. I intend at a later point tomorrow to explain in more detail the nature of the contents of the bill.

Mr. Speaker, I include in the RECORD at this point a brief summary of the bill:

**SUMMARY OF THE TRADE REFORM ACT OF 1973**

This major legislation, as it is being drafted, would provide the foundation for the United States' future trade relations with other industrialized countries, with developing countries and with communist countries. The thrust of the Committee's effort has been, on the one hand, to provide

the President adequate trade agreement authority to achieve reciprocal reductions of both tariff and non-tariff barriers, within Constitutional limits and subject to closer Congressional surveillance, and on the other hand, to provide adequate safeguards for the rights of workers, industries, farmers, consumers and others, including provision to assure that their views will be heard and fully considered in all government decision-making machinery on trade matters.

A new bill, embodying the Committee's decisions, will be introduced later this week when the Committee will meet to consider ordering it reported.

The major points of each of the five titles are summarized below.

**TITLE I—NEGOTIATING AND OTHER AUTHORITY**

Title I contains the basic authorities, subject to clearly defined limitations, for the President to enter into both tariff and non-tariff barrier negotiations. The President is provided authority for a period of five years to change tariffs, within certain limits, pursuant to mutually beneficial trade agreements. The President would be authorized (a) to eliminate tariffs completely where existing duties are 5 percent or less; (b) to reduce tariffs by 60 percent where existing rates of duty are between 5 and 25 percent; and (c) to reduce duties by 75 percent where existing duties exceed 25 percent. In the last case, duties cannot be reduced below 10 percent. In general, duty reductions will be phased over a period of not less than five years, but not more than 15 years after the initial proclamation date.

The bill provides a mechanism for implementing international trade agreements which may affect domestic laws. It establishes a new procedure under which the President can implement international agreements on non-tariff barriers and other distortions of international trade if he notifies the Congress 90 days before entering into such an agreement, and if neither House of Congress by privileged resolution disapproves by a simple majority the agreement within another 90 days after submission.

The President is directed to promote the development of an open, non-discriminatory fair world trading system through the revision and reform of international trading rules including the revision of specific rules in the GATT.

The President is given a carefully defined authority to deal with balance of payments deficits on an emergency basis whereby he can impose import surcharges up to 15 percent ad valorem for a period not to exceed 150 days. Any extension of such action beyond that time must be legislated by the Congress.

The President is also authorized to reduce tariffs and other import restrictions within defined limits in the case of a persistent balance of payments surplus. These balance of payments authorities are to be exercised in a manner consistent with relevant international monetary reform agreements to which the United States becomes a party.

To assist in meeting the problem of inflation, the President would be authorized, under certain guidelines, to temporarily reduce or suspend the rates of duty as well as temporarily liberalize quantitative import restrictions on articles whose supplies are inadequate to meet domestic demand at reasonable prices.

Limited trade agreement authority also is provided to enable the President to grant tariff compensation when actions are taken to increase United States' duties or impose other import restrictions. Further limited authority is provided the President to renegotiate duties, terminate trade agreement proclamations, and withdraw concessions.

Tighter procedures on reporting by the President in regard to national security determinations and closer Congressional mon-

itoring in national security trade matters are established.

Detailed procedures are established for hearings and advice concerning the preparation for and conduct of trade negotiations, assuring participation by all sectors of the economy, including consumers and producing interests.

The bill would establish the Office of the Special Representative for Trade Negotiations and specify its functions and responsibilities to both the President and the Congress with respect to trade matters.

Finally in this title, provision is made for close and continuing oversight by and consultations with the Congress during the negotiations. Congressional advisors to the negotiations and other trade conferences are provided.

**TITLE II—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION**

Title II makes major changes providing greater accessibility of industries and workers seriously injured by import competition to either temporary protection from imports or adjustment assistance, or a combination of both. In the future it will be sufficient for those affected to establish before the Tariff Commission that imports are a substantial cause of serious injury in order to obtain a Commission finding on the basis of which the President may grant temporary import relief. The bill establishes an order of preferences which encourages the President to use tariff increases rather than quantitative restrictions when he grants import relief. Tighter time limits are imposed in order to assume efficient and timely decisions.

Access to adjustment assistance is made easier through more liberal criteria and simplified and quicker procedures.

Workers would be entitled to up to 52 weeks of cash allowances. Weekly cash allowances are increased to 70 percent of a worker's average weekly wage for the first 26 weeks of entitlement. For the second 26 weeks of entitlement, a worker would receive a benefit equal to 65 percent of his average weekly wage as under present law. Maximum weekly cash allowances are increased from 65 percent to 100 percent of the average weekly wage in manufacturing (from an estimated \$111 to \$170 in 1974). Older workers may receive up to 13 additional weeks and workers in training may receive up to 26 additional weeks if needed to complete an approved training program. In addition, workers may receive training on a priority basis, employment placement, counseling, testing, and other supportive services and relocation benefits. For the first time, trade-impacted workers may receive expenses to assist them search for a job when suitable local employment is not readily available. The program will be financed through a trust fund out of customs revenues.

The legislation also establishes a program of adjustment assistance for import-affected firms which do not have reasonable access to the capital market. This program includes both technical assistance and, when the adjustment program of a particular firm is determined to be eligible, financial assistance up to \$1 million in direct loans and \$3 million in government-guaranteed loans.

The legislation establishes machinery for coordinating within the different parts of the executive branch programs that would contribute to effective adjustment assistance as well as insuring that studies of the Tariff Commission in regard to import relief and studies by the Secretary of Commerce on the feasibility of adjustment assistance become available to the President so that he can decide on actions which will assist the import impacted industries and workers effectively but with a minimum cost to the economy as a whole.

## TITLE III—RELIEF FROM UNFAIR TRADE PRACTICES

Title III revises three provisions dealing with unfair trade practices.

Chapter 1 revises and expands the President's authority to take action against foreign countries which maintain unjustifiable or unreasonable import restrictions and other policies which burden, restrict or discriminate against United States' exports. However, the President is required to give prior notice to the public of the foreign action and the products on which he intends to retaliate and hold hearings in which all interested parties may present their views before he uses his authority.

Further, the President is authorized, under certain defined conditions, to act against countries subsidizing their exports into the United States. All actions by the President under this authority are subject to a congressional veto.

Chapter 2 amends the Antidumping Act of 1921 by placing time limitations on investigations and withholding of appraisement as well as providing for hearings. Criteria for handling complaints on imports from state-controlled economies are also provided.

Chapter 3 contains major amendments to the countervailing duty law including a requirement that the Secretary of the Treasury must reach a final determination within 12 months after the question as to whether exports to the United States are subject to foreign bounty or grant. Duty-free imports will become subject to countervailing duties for the first time, subject to the finding of a bounty or grant by the Secretary of the Treasury and a subsequent finding by the Tariff Commission that such imports are causing injury to domestic industry. The provisions will assure that domestic producers have the right to judicial review of negative determinations by the Secretary of the Treasury. Finally, the bill will provide that the Secretary of the Treasury may choose not to impose countervailing duties if he finds that such action would seriously jeopardize the trade negotiations contemplated under the bill.

## TITLE IV—TRADE RELATIONS WITH COUNTRIES NOT ENJOYING NONDISCRIMINATORY TREATMENT

Title IV responds to the President's request for authority to extend non-discriminatory (most-favored-nation) tariff treatment to imports from countries which currently are subject to the higher statutory rates of duty, as distinguished from the lower trade agreement rates conferred on imports from all other countries. These higher rates apply to all the communist countries except Poland and Yugoslavia. As agreed to by the Committee, however, the President can use his authority in the context of negotiated bilateral commercial agreements only if certain conditions are met, including safeguards against market-disrupting imports and safeguards and assurances for the protection of industrial rights and processes, including patent and copyright matters. Finally, the President's action is subject to his finding that such countries recognize the right of emigration. These commercial agreements will be for no longer than 3 years but in regard to the freedom of emigration condition, there must be periodic reports by the President to the Congress, and the Congress retains the right for either House to veto a grant (or continuation) of non-discriminatory tariff treatment. In addition, there are other considerations that the President may take into account in using this authority and in negotiating the bilateral commercial agreements.

## TITLE V—GENERALIZED SYSTEM OF PREFERENCES

Title V provides authority to the President for 10 years to participate with other developed countries in granting generalized tariff preferences on imports of semi-manufac-

tures, manufactures and selected other products from developing countries. Those duty-free preferences would terminate on imports of an article from a particular developing country which supplies more than 50 percent of the total value of the United States imports or \$25 million of the article to the United States during a representative annual period. Preferential treatment will not apply to an article on which import relief measures are in effect. Developing countries which do not undertake to eliminate preferences that discriminate against United States' exports (that is, preferences to other developed countries) before January 1, 1976, and developing countries which do not receive non-discriminatory (most-favored-nation) treatment are not eligible for preferences.

## REPORT ON COMPARABILITY ADJUSTMENT FOR FEDERAL STATUTORY PAY SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-162)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:

## To the Congress of the United States:

In accordance with the provisions of section 5305 of title 5, United States Code, I hereby report on the comparability adjustment I am ordering for the Federal statutory pay systems in October 1973.

The Director of the Office of Management and Budget and the Chairman of the United States Civil Service Commission, who serve jointly as my agent for Federal pay, have recommended a 4.77 percent average increase in Federal statutory pay rates—a figure arrived at by computing comparability using a new computation method which will be phased in over the next 3 years. The new method compares actual average salaries in the private and Federal sectors instead of assuming, as the former system did, that the 4th rate of each grade represented the Federal average. This change follows recommendations made last year by the Advisory Committee on Federal Pay.

Since the effect of the new method is to reduce somewhat the size of the pay adjustment from the 5.47 percent that would have taken effect under the old computation method, the Federal Employee Pay Council and other Federal employee organizations are understandably opposed to its introduction at this time. The Advisory Committee on Federal Pay, however, agrees with my agent that a change is necessary and has endorsed the new method, although the committee did recommend that it be introduced next year.

In reaching a final decision on the appropriate comparability adjustment, I have given careful consideration to all of these views. My agent and the Advisory Committee are not in disagreement on whether to adopt the more precise way of determining comparability, only on when. The Advisory Committee's recommendation to begin the change in

1974 was based on the assumption that the current increase would not occur until the final month of 1973. This assumption no longer holds, and I have decided that we should move now in the direction of the more accurate method, making the transition gradually over a 3-year period to avoid undue hardship to employees by an abrupt change in the system. Based on that decision, I have concluded that an average increase of 4.77 percent in the pay rates of the statutory pay systems is the appropriate comparability adjustment.

I am transmitting herewith the reports of my agent and the Advisory Committee, as well as a copy of the Executive order I have promulgated to put this pay increase into effect. Also enclosed is an Executive order adjusting basic pay for members of the uniformed services, as required by section 8 of Public Law 90-207 (81 Stat. 654).

RICHARD NIXON.

THE WHITE HOUSE, October 3, 1973.

## BIG CYPRESS NATIONAL RESERVE, FLA.

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 565

*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. 10088) to establish the Big Cypress National Preserve in the State of Florida, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 565 provides for an open rule with 1 hour of general debate on H.R. 10088, a bill to establish the Big Cypress National Preserve in the State of Florida.

H.R. 10088 defines the area of the preserve as to include 570,000 acres of land and water—approximately 522,000 of privately owned lands and 48,000 acres of publicly held lands. The bill allows the Secretary of the Interior to permit hunting, fishing, and trapping within the preserve in accordance with State and Federal laws.

H.R. 10088 authorizes the appropriation of \$116,000,000 for land acquisition. I am

very much pleased to announce that the State of Florida has agreed to donate lands and/or funds equivalent to \$40 million toward this great project. The bill also provides for \$900,000 for development costs.

Mr. Speaker, the establishment of the preserve will protect a significant portion of the Big Cypress watershed, which is one of the unique watersheds in all the Nation, and indeed in all the world, and which is critical to the survival of the Everglades National Park, the only tropical national park in the United States, and of course one of Florida's and one of America's greatest natural resources.

Mr. Speaker, I do not wish to conclude my remarks without deserved words of commendation and appreciation for my distinguished colleague, the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Florida (Mr. HALEY) and his committee, for having laboriously and painstakingly and wisely worked out this rather complicated bill in such a way as to promote immensely the national interest, and at the same time to be fair to the private interests that are involved in the ownership of lands in the area. This is a great project, and one that will make possible some significant advances in national conservation in which the people of our country are very much concerned.

Mr. Speaker, I urge the adoption of House Resolution 565 in order that the House may consider and I hope favorably adopt H.R. 10088.

Mr. Speaker, I now yield to the gentleman from California (Mr. DEL CLAWSON).

Mr. DEL CLAWSON. I thank the gentleman for yielding.

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

Mr. Speaker, House Resolution 565 provides for the consideration of H.R. 10088, establishing the Big Cypress National Preserve in the State of Florida, under an open rule with 1 hour of general debate.

The primary purpose of H.R. 10088 is to establish the Big Cypress National Preserve in southern Florida. The proposed preserve includes 570,000 acres of land, 522,000 of which is privately owned and 48,000 of which is publicly owned.

The committee report indicates the Big Cypress watershed is important to the survival of a large portion of the Everglades National Park. The Big Cypress Swamp accounts for about 56 percent of the water entering the Everglades National Park from the outside. In addition, the Big Cypress Swamp is important as a wildlife sanctuary and as a botanical preserve. It is envisioned that the area will also offer many outdoor recreation opportunities to the visiting public.

The total land acquisition cost of this project is estimated at \$156,000,000 of which the State of Florida has agreed to donate \$40,000,000 in land and funds. This leaves a total land acquisition cost to the Federal Government of \$116,000,000. Since land values are rising in the area, it is anticipated that delay will increase the cost. Development costs will be nominal and are limited by the terms of the bill to no more than \$900,000.

The committee report contains two letters from the Department of the Interior, recommending acquisition of the Big Cypress Preserve.

Mr. Speaker, I urge the adoption of this rule.

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

Mr. PEPPER. Mr. Speaker, I have no other requests for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HALEY. 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. 10088) to establish the Big Cypress National Preserve in the State of Florida, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. HALEY).

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. 10088, with Mr. DENT 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 Florida (Mr. HALEY) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Saylor) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, it is a pleasure for me to come before the House in support of H.R. 10088—a bill to establish the Big Cypress National Preserve in the State of Florida.

#### BACKGROUND

As everyone knows much of the Big Cypress Watershed is located along the northern boundary of the Everglades National Park. During the wet season, much of this massive area is flooded, but as the drier months approach the water drains slowly toward the sea. This natural process controls the ecology of the entire region and anything that alters the flow results in significant changes in the environment.

Naturally, this water is important to the Everglades National Park, since 56 percent of the water entering the park from outside its boundaries comes from the Big Cypress Swamp. Not only is the volume of water important, but the quality and method of delivery are equally critical to the survival of the Nation's most famous subtropical environment.

I could speak at some length about the importance of preserving a substantial portion of the Big Cypress Watershed, but to conserve time I will say only that this area is critically important to all of southern Florida. In addition, the in-

herent natural values of the flora and fauna of the proposed Big Cypress Preserve merit national recognition and protection.

#### PROVISIONS OF THE LEGISLATION

If enacted as recommended by the Committee on Interior and Insular Affairs, H.R. 10088 provides for the establishment of a national preserve containing 570,000 acres of the most important remaining undeveloped portion of the Big Cypress Watershed.

Under the terms of this bill, title to all of the privately owned property in the preserve, except residential properties of 3 acres or less, would be transferred to the United States. The members of the committee feel that it is in the best interest of the Nation to acquire control over this area immediately and we also feel it is only fair to assure the landowners that they will receive prompt, full, and fair compensation for any interests taken. One of the major concerns expressed by landowners is that their property will be effectively taken, but that they might not be compensated for 10 or 20 years. As written, H.R. 10088 gives them a right to secure just compensation through the judicial process.

Mr. Chairman, H.R. 10088 contains many of the usual safeguards for areas of this kind. It explicitly provides that the area shall be managed in perpetuity as a unit of the national park system. Like recreational units, it provides for continued hunting, fishing, and trapping in the preserve subject to State and Federal laws and reasonable regulations to be established by the Secretary. The bill protects the rights of the Indian tribes who have used portions of this area over the years to continue to hunt and fish in the area and to continue providing the visitor services which they now provide.

Finally, the bill provides for a review of the entire area for possible future designation as "wilderness" by the Congress and it contains the usual limitation on appropriations.

#### COST

Mr. Chairman, it has been estimated by the Department of the Interior that the land acquisition costs in this area could require an investment of \$156 million if the program is spread over a 10-year period. Naturally, this is a tremendous undertaking, and it is one which the National Parks Subcommittee and the full Interior Committee reviewed carefully. Before recommending the legislation, we attempted to develop the legislation to assure the protection of this area at the least possible cost to the U.S. Government. The provisions of the bill absolutely require the complete donation of the State lands and any portion of the \$40 million which it has dedicated to this project, before any Federal funds can be expended. This immediately reduces the land acquisition costs to \$116 million—the amount authorized by the bill.

Other State actions which declared the preserve as an "area of critical State concern" and suggest that the routing of a limited access highway along the northern edge of the preserve should reduce speculation in lands in the area while this legislation is under consideration. In addition, the bill contains sev-

eral provisions, including a legislative taking similar to the one used in the Redwoods legislation, which are designed to cut Federal land acquisition costs. While we cannot predict what the homeowners might do, some savings could be effected if they retain a right of use and occupancy of their residential properties under the provisions of the bill and other landowners may reach an agreement with the Secretary to utilize their lands in a manner compatible with the preserve so that title can be revested in them; thus, further reducing the costs.

In short, the bill contains many innovations which are designed to reduce the cost for the acquisition of lands so that I personally believe that the actual outlays will be for less than \$116 million which the bill authorizes.

I do want to emphasize that all of the land acquisition costs will be paid from the land and water conservation fund—the fund created by Congress to underwrite projects of this kind. The present level of the fund is adequate to absorb this cost and still meet many of the other commitments which we have undertaken if it is fully utilized.

#### CONCLUSION

Mr. Chairman, few States have been as cooperative in preserving their natural heritage as the State of Florida. In 1934, it donated 900,000 acres of land to the United States for the creation of the Everglades National Park. In addition it gave \$2 million to acquire lands in the park and was instrumental in securing the donation of an additional 35,000 acres of land in the park. While some Federal funds have been utilized at the Everglades National Park, I think that it is fair to say that the value Florida's contribution far exceeds the cost of this outstanding area to the United States.

Now, the State of Florida has again assumed a significant share of the responsibility for preserving a substantial portion of the Big Cypress watershed. By an act of the legislature, approved by the Governor, it has placed the area under strict environmental controls by declaring it an "area of critical State concern." In addition, it has authorized and made available \$40 million in cash to acquire lands within the preserve. Under the terms of the State legislation, the State lands, together with any acquired lands, may be donated to the United States for inclusion in the national preserve and any portion of the \$40 million that remains unencumbered may also be donated if the national preserve is authorized.

Mr. Chairman, I know of no other State that has made a commitment of this magnitude to preserve an area of this kind. Naturally, I am proud that Florida has taken this action and I am pleased to advise the Members of the House of this great interest on the part of the State which I help to represent in this Chamber.

In conclusion, let me say that I support the enactment of H.R. 10088 which I, along with the entire Florida delegation and many members of the Committee on Interior and Insular Affairs co-

sponsored. This proposal represents the combined efforts of many people, but I want to thank my subcommittee chairman (Mr. TAYLOR), and his ranking counterpart (Mr. SKUBITZ), and my ranking minority counterpart (Mr. SAYLOR) for their interest in, and attention to, this legislation. Each of these gentlemen contributed to the development of this legislation which I believe will assure the preservation of one of the Nation's most unique ecosystems.

Mr. Chairman, Mr. TAYLOR, the chairman of the Subcommittee on National Parks and Recreation worked very hard on this legislation and wanted to be here to support it on the House floor. Due to a death in his family, he is necessarily absent at this time, but he asked me to advise the House of his strong support for the enactment of H.R. 10088 and to ask to have his statement for the bill inserted in the Record following mine, and at the appropriate time in the House I will seek that permission.

Mr. TAYLOR of North Carolina. Mr. Chairman, I am pleased to have this opportunity to come before your committee in support of H.R. 10088—a bill providing for the establishment of the Big Cypress National Preserve in the State of Florida.

#### PROVISIONS OF H.R. 10088

In the interest of time, I will avoid repeating what the chairman of the full committee has already told you and concentrate on explaining the basic provisions of the legislation.

Under the terms of the bill, a new unit of the National Park System—to be known as the Big Cypress National Reserve—will be established. As presently conceived, it will include a total of 570,000 acres of land—including 522,000 acres of privately owned property. The remaining 48,000 acres are in public ownership and would be acquired only by donation or transfer. I hasten to add, that we were told that the boundaries involved were carefully drawn to avoid the inclusion of any Indian reservation lands.

Since nearly all of the lands are in private ownership, the committee had to consider how it could best assure the completion of the acquisition program at the most reasonable cost to the Government and, at the same time, protect the rights of the landowners to full and fair compensation for any interests taken. After considering the alternatives, the committee agreed that the most suitable solution was to provide for a legislative taking. By utilizing this procedure, title to nearly all of the privately held lands will pass to the United States as soon as the Secretary of Interior and the Governor execute an agreement to assure the donation of all State lands and the remaining unencumbered portion of the \$40 million which it has committed to acquiring lands in the area. The landowners are, of course, entitled to just compensation for any lands taken and the bill provides that the local U.S. district court shall have jurisdiction to determine what the fair market value of the land should be. It is anticipated that these awards will be satisfied by payments made from appropriations from the land and water conservation fund.

The bill expressly exempts from the legislative taking residential properties, including up to 3 acres of land. While there are thousands of landowners in this area, only a small percentage have actually constructed homes and live in the region. For those who constructed their homes prior to November 23, 1971, the bill establishes a right to continue to use and occupy their homes for a period of 25 years or their lifetime, as they elect. If they elect to retain an interest, they are paid the fair market value of the property, less the value of the right retained. Of course, anyone who does not elect to retain a right of use and occupancy or is not entitled to retain such an interest must be compensated for the full value of their property as of the time of the taking.

Because of the national significance of this area and because of its close association with the Everglades National Park, the committee wrote into the bill an express provision dealing with the administration of the area as a unit of the National Park System. It was felt that the legislation should make it absolutely clear that this area is to be administered and managed by the U.S. Government in perpetuity.

In carrying out his responsibility, the Secretary is to continue to permit hunting, fishing and trapping in the area in accordance with State and Federal law, but he may establish reasonable regulations governing such activities. The bill specifically protects the traditional hunting, fishing and ceremonial use of the area by members of Miccosukee and Seminole Indian tribes, but it does allow the Secretary to establish reasonable regulations concerning such uses and, in the event that a species is determined to be rare or otherwise endangered, to prohibit activities which might adversely affect their continued existence.

The bill also assures individual tribal members who presently provide visitor services within the area a right of first refusal on any contracts to continue to provide such services in the future. Insofar as new visitor services are concerned, the Secretary is permitted to award such contracts to the person or organization which he deems can best satisfy the public need. If all potential concessioners are equally qualified, then most people seem to agree that preference should be given to the local tribal groups. The principal objective however, must be to select the best qualified individual or organization to provide the service.

H.R. 10088 provides for a review of this entire area under the provisions of the Wilderness Act to determine which parts, if any, the Congress might consider for possible wilderness designation.

#### STRONG SUPPORT FOR ACTION

Mr. Chairman, as the gentleman from Florida indicated, an important share of the cost of this project is being assumed by the State of Florida. Together with the \$40 million which it has made available, we believe that \$116 million should be ample to complete the acquisition program. This willingness on the part

of the State of Florida is strong evidence of its support for this legislation. Under the State Act, Florida can donate to the United States any lands which it owns or acquires, as well as any portion of the \$40 million which it has made available for this purpose which remains uncommitted. These donated monies should be immediately available to proceed with the acquisition of lands in the preserve.

Not only has the State indicated its strong support for legislation to preserve this area, but it has strong support at all levels of government. The administration has made this area its number one priority in the field of new outdoor areas. Every Member of the Florida congressional delegation has cosponsored it and many appeared before the Committee in strong support of legislation. In addition, it enjoys broad support from conservation and environmental groups as well as from individual citizens throughout the country.

#### LANDOWNERS

Mr. Chairman, H.R. 10088 goes as far as any bill in recent years to give landowners equitable consideration. While the legislative taking has the effect of immediately shifting title to the United States, it assures landowners that they will be entitled to just compensation within a reasonable period of time from funds appropriated from the Land and Water Conservation Fund. Instead of allowing the bureaucratic organization to drag its feet after the authorization is approved, it permits the owner to get into court and secure a judgment.

At the same time, the bill protects the homeowner who wants to continue to use and occupy his dwelling place by exempting improved residential properties from the legislative taking and by allowing such owners to retain a right of use and occupancy for a period of 25 years or a lifetime. Naturally any property acquired will be purchased, unless donated, at the fair market value of the land and any improvements on it as of the time that title transfers.

Finally, Mr. Chairman, H.R. 10088 authorizes the Secretary, with the owner's consent, to revest title to any lands where he feels that the full fee title is not needed to accomplish the objectives of the legislation. In making such a revestment, the Secretary must restrict the use of the land to assure its use in a manner compatible with the purposes of this legislation, but he may permit former owners to retain the use of the land in conformity with such restrictions in perpetuity. These restrictions will of course, run with the title to the land and will be equally applicable to any subsequent heirs or assignees.

By utilizing this new device, the committee feels that the Secretary can successfully preserve and protect the hydrologic, natural, and environmental values of a large portion of this area without significantly disrupting the status quo. By revesting title with conditions, it is anticipated that the Federal land acquisition costs could be substantially reduced.

#### CONCLUSION

Mr. Chairman, this legislation has been carefully drafted. Some of the Members of the Subcommittee on National Parks and Recreation have visited the area and heard arguments on all sides of the issue both in the field and in Washington. In reaching our conclusion, we tried to be as fair as possible to the landowners involved and yet assure the American people that this area will be preserved forever. It was reported out of the subcommittee without any opposition, and the same strong support was given it by the full Committee on Interior and Insular Affairs.

It is a real pleasure for me to join my chairman (Mr. HALEY) and his colleagues, from Florida, in supporting the enactment of H.R. 10088 and I urge its approval by the Members of the House.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 10088, a bill to establish a Big Cypress National Preserve in the State of Florida. One of my first acts in the 93d Congress was to cosponsor, along with other members of the Florida delegation, H.R. 46, to authorize the acquisition of the Big Cypress National Fresh Water Reserve. On May 10, 1973, I testified on behalf of this legislation before the House Interior and Insular Affairs Committee. I am delighted that the committee has reported this constructive new legislation to the House, and was proud to serve as a cosponsor of H.R. 10088 upon its introduction on September 6.

The Big Cypress watershed is a vital natural resource that must be preserved not only for its own rare beauty, vegetation, and wildlife, but also because it supplies much of the high quality fresh water flowing into Everglades National Park from the north. Passage of H.R. 10088 will serve the dual purpose of preserving a unique ecological system for future generations of Americans and also protecting the water supply of the magnificent Everglades National Park.

Let us look at the many assets of the Big Cypress watershed. It is a 2,450 square mile wilderness area of marsh and lowland forest containing several major strands covered with the cypress which gives the area its name. The Fakahatchee strand, for example, is a major slough draining the southwestern Big Cypress; it contains rare growth of cypress and royal palm, and is considered one of the most unusual and beautiful strands in the world.

Nearly every wildlife species native to semitropical Florida can be found in Big Cypress. Seventeen species found in the area are designated as rare, endangered, or threatened by the Secretary of the Interior. These include the American alligator, Florida panther, Everglades mink, mangrove fox squirrel, wood stork, and roseate spoonbill. Likewise the plant life of the swamp is abundant and often unique. Seven species of orchids found nowhere else in the world grow in the Fakahatchee strand portion of the swamp.

The proposed Big Cypress National Preserve is a 900-square mile microcosm

of the original watershed, containing most of the features of the larger area but as yet remaining mostly undeveloped. But encroaching development from all sides threatens the delicate ecosystem. Residential growth is moving eastward from the Naples area toward the Fakahatchee strand. The northern portion of the watershed has been extensively cleared and drained by truck farmers and cattlemen. Continued residential and agricultural development would alter the important drainage patterns and pollute the water supply of both Big Cypress and the Everglades National Park.

The Big Cypress watershed is also an important source of domestic fresh water for Florida's southwest coastal cities; if development were permitted and the watershed drained, Collier County and surrounding areas would not have an available water supply. In addition, creation of the preserve will save the ancestral home of the Miccosukee and Seminole Indians who have inhabited the region for centuries.

H.R. 10088 establishes a new concept in wilderness preservation—the national preserve. Under this legislation, the watershed area would be protected from further development which could harm its ecosystems. However, existing property owners could retain their interests and residence up to 25 years; hunting, fishing, and trapping would be permitted within the preserve so long as it did not interfere with the ecology.

The people of Florida have already expressed their desire to protect Big Cypress by allocating \$40 million in State funds to assist the Federal Government in land acquisition. This offer was contingent upon congressional passage of the preserve legislation and authorization of Federal funds for land acquisition. Failure to approve H.R. 10088 could spell the destruction of Everglades National Park as well as Big Cypress.

I urge my colleagues to cast their vote in support of H.R. 10088 and protection of an important segment of America's environmental heritage.

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

Mr. Chairman, I am pleased to be able to speak in strong support of this bill, H.R. 10088, to establish the Big Cypress National Preserve in the State of Florida.

Joining in the cosponsorship of this legislation from the time of its introduction to today are all 15 members of the Florida House delegation, now joined by 25 members of the Committee on Interior and Insular Affairs. It is also important to note that this legislation has had strong support by the administration. Action to preserve the Big Cypress was urgently requested by the President in his environment and natural resources state of the Union message delivered to the Congress in February of this year.

This 570,000-acre preserve will be administered by the Department of the Interior's National Park Service as a unit of our national park system. The proposed preserve will be managed so as to retain its prevailing natural condition.

with provision for public use in such manner as to not destroy or unduly disturb the natural resources, with particular attention to be given the protection of the flow of surface waters.

While the area warrants preservation on its own merits, the initial and principal reason for its protection is to help safeguard the critically important waterflows which run from the proposed preserve on into the ecologically fragile Everglades National Park, immediately contiguous to the preserve on the south.

Water is the lifeblood of the Everglades. The natural flow of surface ground water in most of south Florida's flat terrain is from north to south. With ever increasing development and drainage of lands to the north, much of this natural surface waterflow has been disrupted due to actions by the Corps of Engineers, and has not been reaching the Everglades National Park, on the southern tip of Florida, in the amounts and with the timing required to sustain the natural balance of the park ecosystem. While earlier arrangements have been made to correct much of this obstruction of waterflow for the eastern segment of the park, the central and western portions of the park still lie in jeopardy if the natural waterflows from the north become impaired.

The establishment and protection of the Big Cypress National Preserve to the immediate north of the park will help assure the perpetuation of adequate waterflows into these sections of the Everglades National Park. In addition, of course, the creation of this preserve will protect the valuable ecosystem of this segment of the Big Cypress itself.

The continuation of this natural waterflow from the Big Cypress, through the Everglades National Park and on to the ocean is also of critical importance to the welfare of the many ocean life forms—shrimp, crabs, oysters, and game fish—which depend upon the brackish solution of the coastal estuaries and tidal marshes for their reproduction and survival. The livelihood of the regional fishing industry and the success of sport fishing excursions are heavily dependent upon the proper protection of these coastal zones.

So vulnerable to disruption is the natural waterflow from even the slightest alteration of the terrain—a raising or lowering of the terrain by mere inches can be critical—that the only positive protection for the area must be provided by the virtual prohibition of development. After thorough investigation of alternatives, the only method found feasible to provide the adequate protection was basically through fee simple acquisition of the lands.

The preserve will embrace 570,000 acres, 48,000 acres of which are already publicly owned. While there are numerous holders of large blocks of privately owned land, the area has lately been subjected to large-scale speculative land development schemes, subdividing the land into thousands of small parcels. While a great many individual owners are involved, the area still, fortunately, remains very lightly developed. However, any rapid escalation of land sales with

further subdivision and development could bring havoc and irreparable damage to the delicate ecosystem and the natural waterflow.

This legislation provides that all lands owned by the State of Florida can be acquired only by donation. One of the most favorable aspects of this legislation is the State of Florida's eagerness to participate in the acquisition program. Florida has committed itself to contribute \$40 million—a full 25 percent of the estimated total purchase price—to acquisition in the Big Cypress, and this legislation provides that no Federal acquisition can go forward until this State contribution is formally secured. Without question, this arrangement greatly eases the Federal burden, and constitutes a very positive aspect of this legislation.

Once this preserve is established by law, it is critically important that the land acquisition program move rapidly in order to diminish the damage which continued land sales speculation and development could bring if the Government moves slowly to acquire the holdings of the thousands of individual owners. Fast action is also important to avoid the eventual payment of highly escalated prices resulting from a long, drawn out acquisition program.

For this reason, and because the administration has displayed such a keen interest and commitment in protecting and acquiring this area, the committee determined that the multiple interests of immediate area protection, significantly reduced acquisition costs, and final dispensation to property owners would be best secured by the institution of legislative taking.

Upon the execution of an agreement between the Secretary of the Interior and the Governor of the State of Florida to secure the \$40 million donation by Florida for land acquisition purposes, the title to most privately owned lands within the Preserve will automatically pass to the United States, to be subsequently compensated by Federal payments for property values taken. Exempt from this legislative taking, however, are private, noncommercial single-family residences, together with 3 acres of land, which were constructed, or were under construction, on November 23, 1971. With this provision, most residents of the area may remain, so long as their activities do not conflict with the purposes of the preserve.

For those landowners and residents who have more than 3 acres and wish to retain part of their former operation, the bill provides the Secretary with the discretionary authority to revest title under mutually acceptable conditions which are compatible with the purposes of the act.

This legislation also provides for a review and report within 5 years of enactment of the suitability or unsuitability of the area within the preserve to be designated as wilderness, in terms of the 1964 Wilderness Act. It is entirely feasible and possible that wilderness could be recommended and designated for certain areas with continued permission of such activities as hunting, fishing, and trap-

ping. Any such proposal for wilderness within the preserve will require a separate act of the Congress to institute.

Mr. Chairman, a former member of my staff, Miss O. Ann Dunbar, recently passed away, and it is noteworthy that today—exactly a week from the day that she was laid to rest—the legislation to protect and preserve the Big Cypress is on the floor of the House. Ann was a very dedicated conservationist, and she had a driving concern for the protection of the Big Cypress and the Everglades. She was the lone honorary life member of the Wilderness Society. If this bill passes, I would like to think that in some measure it was due to the love and devotion Ann gave toward helping protect the great outdoors and, in particular, the Big Cypress area of Florida.

Mr. Chairman, this bill is the result of considerable deliberation by the members of the Interior Committee, and I believe it embodies the best set of conditions for assuring protection for the Big Cypress and the adjacent Everglades National Park and a fair and equitable treatment for landowners involved. I urge my colleagues to join the Florida delegation and the many other cosponsors and supporters of this legislation by voting favorably for its passage.

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

Mr. SAYLOR. I am happy to yield to my colleague from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I would say to the gentleman I am not quite clear about the money figures in this bill. The bill, as I understand it, provides \$116 million in Federal funds plus \$900,000 for maintenance, or improvements, or what?

Mr. SAYLOR. \$116 million Federal funds for acquisition, and \$900,000 for development.

Mr. GROSS. In reading the report, on page 11, the communication from the Department of the Interior, I note they speak of not to exceed \$156 million for the acquisition of lands and interests therein. Does the \$156 million come about by adding the \$40 million which the State will contribute? What does the \$156 million represent?

Mr. SAYLOR. The \$156 million represents the total estimated cost of all land acquisition. The total cost would be \$156 million less \$40 million which the State will contribute, for a Federal cost of \$116 million.

Mr. GROSS. So may we have the assurance here today that \$116 million would constitute the Federal Government's contribution to the establishment of this preserve or park or whatever it is called, adding to that, of course, the \$900,000 provided in the bill for development?

Mr. SAYLOR. I would think I might say to my colleague from Iowa and the other Members of the House that this is one of the few times when one of these bills has been before us for which I can say with reasonable assurance that this figure should constitute the maximum cost to the Federal Government. When the President signs this bill into law most of the land will automatically be-

come the land of the United States, and thereby freeze the prospect of speculation and the escalation of land values.

The reason why our committee has been forced to come back in the past for increased authorizations, much to our embarrassment and mine personally, is that when we have passed previous bills for parks, recreation areas and seashores we have not acquired the land immediately, as we are doing here.

Mr. Chairman, we have left it up to the Committee on Appropriations and the Office of Management and Budget, and they have put off and put off and put off the acquisition, with one result: escalating land costs. In many cases, it has cost us two, three, and in some cases, five times the original estimate merely because of delay.

It is our firm belief that with this procedure we have fixed the price and can say with confidence that it will not happen this time. By the way, the Secretary of the Interior has informed me that he had been assured by the administration and by the Office of Management and Budget that acquisition of the Big Cypress will be a very high priority item, and that adequate money will be made available as needed.

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

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, it is a substantial amount of money, and I sincerely hope that the gentleman's assurance will be carried out in the years to come.

Mr. SAYLOR. I sincerely hope so also.

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

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

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the legislation.

Mr. DON H. CLAUSEN. Mr. Chairman, I would like to voice my support for the legislation before the House today to preserve the Big Cypress as a national preserve in the State of Florida. I think this is a most important piece of legislation, and the broad based bipartisan support for this bill is especially noteworthy.

I particularly want to commend the able gentleman from the State of Florida (Mr. HALEY) who has guided this bill through the Interior Committee and brought to the House floor a bill which should both protect the Big Cypress area from further destruction and provide a sound procedure for the prompt and equitable treatment of affected landowners.

The bill entails a large expenditure of money, and the cosponsorship of this legislation by every member of the House's Florida delegation is a further tribute to the merits of the measure, as well as to the capable leadership provided by Chairman HALEY.

I also want to highly commend the Committee's ranking minority member, JOHN SAYLOR, for the intense interest and contributions he has made in the perfection of this legislation as it passed through the Interior Committee.

This bill provides for one of the largest efforts to establish a park through the process of legislative taking. As a result of some very bad cost overrun experiences in the past where more slow and conventional land acquisition approaches were taken, the committee felt that the characteristics of this case demanded an acquisition approach which would minimize the escalation of land values, promptly protect the area's resources from further damage through development, and assure prompt payment to landowners for property acquired. The committee felt that this legislation should well accomplish all of these objectives. If it does, and I certainly hope and trust that it will, this legislation will constitute an important landmark in the parks movement.

Again I want to underscore the credit due our distinguished chairman of the committee (Mr. HALEY) for his leadership on this important legislation.

Mr. BURKE of Florida. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield such time as he may consume to my colleague, the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Chairman, I rise in support of H.R. 10088, which I was proud to cosponsor with my colleagues in the Florida congressional delegation. This legislation, if enacted, will establish the Big Cypress National Preserve in the State of Florida, and, in so doing, will protect a significant portion of the Big Cypress Watershed. I would like to compliment the distinguished chairman of the Interior Committee, Mr. HALEY, and the other members of his committee for their work on this bill.

Mr. Chairman, fresh water is a big problem in the State of Florida, and since Florida is a peninsula surrounded on three sides by the salt waters of the Atlantic Ocean, the Gulf of Mexico, and the Caribbean, the forces of nature are constantly pushing salt water into the land mass and into the inland water supply. The bountiful rainfall in Florida has in the past, been able to supply enough fresh water to force out the salt water and to supply the needs of the people of Florida. However, with the rapid population increase of Florida and of south Florida in particular, the demands on the supply of fresh water are continually increasing.

Water is one of the principal natural resources of the proposed Big Cypress National Preserve. Basically, the watershed can be divided into three subbasins. One drains generally southeastwardly toward the eastern half of the Everglades National Park. Another, located on the western side of the watershed, if permitted to flow naturally would flow slowly into the gulf coast estuaries and bays. The third which includes three-fifths of the entire watershed is centrally located and drains in a southward direction through a large portion of the Everglades National Park into the Gulf of Mexico.

Much of the water for the Everglades National Park comes from rainfall within its boundaries, and part of it comes from releases made from Lake Okeechobee, but the contiguous Big Cypress Swamp accounts for about 56 percent of the water entering the park from outside its bound-

aries. Unlike "manmade" water systems which are designed to capture water and accelerate its runoff, this natural system filters the water and permits natural biological processes to develop, mature, and nourish the fish and wildlife communities which are dependent upon it.

Without this water and its natural drainage it is generally agreed that the Everglades National Park will change drastically. This would be a tragedy, because the Big Cypress-Everglades ecosystem is an outstanding scientific treasure for students of the evolution of life and biologists, as well as the home of more than 20 animals whose status has been listed by the Secretary of Interior as rare, endangered, or otherwise in jeopardy.

It is my opinion that without the passage of H.R. 10088, two tragedies will befall the State of Florida, as more housing and more people encroach on the perimeters of this watershed; first, the unique subtropical flora and fauna of the area will be altered, and much of it will ultimately be destroyed; second, as population continues to grow unchecked in this area, all the people of south Florida will suffer because of severe future shortages of fresh water. I, therefore, urge my colleagues to act favorably on H.R. 10088 today. If you do, not only my colleagues of the Florida delegation will be grateful to you but, so too, will all of the people of the State and those for generations to come.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, I appreciate the gentleman's yielding.

I wish to express my appreciation to the Members of the committee for an excellent piece of legislation, and I wish to congratulate the delegation from Florida for their action in preserving 570,000 of their acres in perpetuity.

Mr. Chairman, I commend the committee on this legislation.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

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

Mr. JOHNSON of California. Mr. Chairman, I take this time to rise in support of the bill (H.R. 10088) to establish the Big Cypress National Preserve in the State of Florida.

#### BACKGROUND

During the 92d Congress, several Members of the Committee on Interior and Insular Affairs visited the Big Cypress area and conducted field hearings on legislation comparable to that now before the House. While some of the landowners in this area opposed this measure for various reasons, I have been impressed with the generally strong support for this measure.

During our public hearings on this measure this year, many of the members of the Florida congressional delegation presented statements in favor of the bill and spokesmen for the administration argued in favor of its enactment. Conservationists across the coun-

try and representatives of many of the major environmental groups have indicated their concern for the preservation of this important area.

DESCRIPTION OF THE AREA

As everyone knows, the Big Cypress Swamp lies just north of the Everglades National Park. The area involved in H.R. 10088 represents roughly one-third of the watershed and it is considered by the experts to be extremely important to the survival of a large portion of the park.

In addition to its importance as a source of fresh water for the Everglades and the adjacent estuarine zone, the Big Cypress National Preserve will protect many significant natural and scientific resources which might otherwise be jeopardized or disappear. It is a principal nesting and resting area for thousands of migrating waterfowl, a home for the endangered alligator, and a place where bald cypress and air plants of many varieties are found. In short, it qualifies for national recognition on its own merits in addition to contributing to the preservation of the Nation's most important subtropical park.

LEGISLATIVE TAKING PROVISION

Mr. Chairman, H.R. 10088 follows the precedent set in the Redwoods National Park Act by providing for a legislative taking of the privately held lands. In the opinion of the members of the Committee on Interior and Insular Affairs, this action is warranted if this area is to be preserved from activities which would alter the terrain and adversely affect the ecology of the area. It is important for the Government to move forward more promptly with its land acquisition activities if we are to avoid the speculative activity that inevitably develops after Federal interest in an area is evident.

In this case, Mr. Chairman, we believe that the legislative taking will result in a substantial reduction in the ultimate cost of this project. Not only should we save significant amounts normally attributed to administrative costs, but under the terms of the bill if landowners and homeowners reach agreement with the Secretary to assure the use of their property in conformity with the purposes of the act, they may be permitted to retain the property indefinitely.

CONCLUSION

This is an important conservation measure, Mr. Chairman. It is one which has demanded a great deal of attention at all levels of government. On November 23, 1971, the President announced the support of his administration for legislation to preserve this area. Since then, the House Subcommittee on National Parks and Recreation and its counterpart on the Senate side have been working to accomplish this objective. We feel that H.R. 10088 is a sound bill which will enable the Government to preserve this area at the least possible cost. I commend it to my colleagues and urge its adoption by the House.

Mr. HALEY. Mr. Chairman, I yield

such time as he may consume to my colleague, the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in strong support of H.R. 10088 to establish the Big Cypress National Preserve. I think that it is particularly significant that the Big Cypress will be the first area designated in the new category of national preserve, for it is indeed a unique area. I am particularly pleased that this legislation is before the House because I represented most of the Big Cypress area for 18 years before the congressional redistricting which went into effect with the 93d Congress.

The Big Cypress watershed is certainly one of the most unique ecological systems in the State of Florida if not the Nation. It is a natural water conservation area which provides more than half of the surface flow water for the Everglades National Park. This water is vital to the continued existence of the Everglades which we have already recognized as a significant natural treasure and which we are committed to preserving. This area also serves as a reservoir which helps to maintain the delicate fresh water-salt water balance of the mangrove forests and rich estuaries of the gulf coast of Florida. The value of these nutrient laden estuaries to the fishing industry and particularly shrimp fisheries, is substantial.

Additionally, these waters recharge the aquifers which are the primary source of drinking water for many south Florida communities. There have been serious shortages of fresh water in south Florida as recently as 1971.

Although the Big Cypress is a valuable part of the delicate water balance in south Florida, it is at the same time a unique and beautiful ecological system as well. As one of the few relatively undisturbed areas which remain in Florida, the Big Cypress is home to 17 rare or endangered species including several wading birds and the much pursued Florida alligator. This area together with the Everglades, is the only area in the United States which is covered with tropic-like vegetation, and abounds with many varieties of exotic plant life including seven species of orchids which are found nowhere else in the world.

Because of this rare environmental setting, the Big Cypress has great potential as a recreational area. For the average urban dweller on the eastern seaboard it is one of the few remaining places in the eastern half of the country where one can experience such a feeling of wilderness in a relatively undisturbed natural environment. It is imperative that the Congress act now before that setting is only a memory.

This bill provides for the acquisition of 522,000 acres of privately held land and inclusion of 48,000 acres of publicly held land for a total of 570,000 acres of land. The State of Florida has made what I consider to be one of the most generous offers that I have seen in my 19 years in Congress. The State has guaranteed \$40 million to begin immediate acquisition of this area and has agreed to donate

State held lands in the area. Such an offer is unprecedented and should be answered by overwhelming support of the legislation before the House today.

I would like to commend the very distinguished gentleman from Florida (Mr. HALEY), the chairman of the full committee, for his work in bringing this bill to the floor of the House. This action brings to fruition a proposal which came from a meeting nearly 3 years ago between the distinguished chairman, my distinguished colleague (Mr. FASCELL) and myself along with conservation groups. It has since caught the imagination of nearly every environmental group in the country and has the support of the administration. I only hope that future administration support will be in the form of budget requests rather than verbiage.

Mr. Chairman, this legislation represents several years of careful consideration by the committee and deserves the wholehearted support of every Member of the House.

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

Mr. CHAPPELL. Mr. Chairman, I rise in support of H.R. 10088, to establish the Big Cypress National Preserve. I am pleased to join the distinguished chairman of the Interior Committee and the entire Florida delegation in cosponsoring this legislation.

Florida is now the fastest growing State in the Nation, with an influx of some 30,000 new residents monthly. Big Cypress is vital to the future of Florida. Its acquisition will protect the fresh water supply as well as the estuarine areas so important to south Florida.

As a natural habitat for wildlife, fish, and scenic beauty, Big Cypress stands as one of our last monuments of wilderness. More than 20 endangered species of animals may be found within its borders.

The future generations of Americans need to have this undisturbed haven to visit, just as we and the generations before us have enjoyed it. At the same time, we want to make sure that the Miccosukee and Seminole Tribes located there are not disturbed.

Mr. Chairman, the Big Cypress legislation has been formulated over two decades. It is imperative that we proceed to pass it in the House today so that this vital area can be protected. The people of Florida support it, as evidenced by their willingness to contribute \$40 million to the acquisition costs.

I urge my colleagues to vote for the bill.

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

Mr. GUNTER. Mr. Chairman, I thank the gentleman for yielding. I rise in support of H.R. 10088. I would certainly like to add my commendations to the Committee on Interior and Insular Affairs for this legislation, and especially to our distinguished chairman, the gentleman from Florida (Mr. HALEY), who is an

outstanding Member of the Florida delegation.

Mr. Chairman, I appreciate having this opportunity to express my complete support for H.R. 10088, which provides for the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida.

This was the first legislative proposal I cosponsored as a freshman Congressman because the need for positive action on this matter is very important to the State of Florida. We in Florida over the past few years have recognized the need for preserving the beautiful natural resources that make Florida so attractive to the thousands of people who move and travel there every year. Many of our citizens successfully fought exploitation of the Everglades and careless offshore drilling of the beautiful Florida coast. With the rapid expansion of Florida's population, there is an urgent need to protect our environment from continued dredging and exploitation by unwitting or unscrupulous developers.

The Big Cypress acquisition is by no means an isolated move by a few Florida Congressmen. Rather it is another step by those of us who represent the people of Florida—and the people have given us the message they want expressed in Washington. That message is "save our State and its natural beauty for present and future generations." I implore the House of Representatives to heed this message.

As you know, this area is ecologically interlocked with the Florida Everglades. I believe we must act quickly to acquire this land. Already the owners are putting in extra roads to claim property improvement, thus raising the price the Government will have to pay.

It is clear that we cannot accomplish that which is desired in this area if the land remains under private ownership. The control needed to preserve the area would keep the owners of the land from exercising their natural incidents of ownership and result in either disregard for the land use policy or for all practical purposes depriving the owners of their land without compensation.

The final point reflecting the commitment of Floridians to this project is the fact that the State has already agreed to provide \$40,000,000 toward the acquisition of the Big Cypress. This is an unprecedented move, and I urge the House of Representatives to act favorably on this bill to reinforce the commitment of the State of Florida.

Mr. HALEY. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding time to me. This is a very fine piece of legislation. It has been wisely put together by the committee, and it has had very fine leadership from our distinguished chairman, the gentleman from Florida (Mr. HALEY).

Mr. Chairman, I wholeheartedly support this legislation.

Mr. SAYLOR. Mr. Chairman, I yield

such time as he may consume to the gentleman from California (Mr. KETCHUM), a member of the committee.

Mr. KETCHUM. Mr. Chairman, without trying to add any more to the congratulations going on here, I would be remiss if I did not congratulate not only the chairman of the subcommittee, the distinguished gentleman from North Carolina (Mr. TAYLOR) but also the chairman of the committee.

By and large, the one entity that should be congratulated is the great State of Florida. Despite the fact that this project is in the national interest, they have seen fit to contribute \$40 million rather than coming in here with their hands out. I certainly congratulate the State of Florida and its delegation.

Mr. BENNETT. Mr. Chairman, I very much appreciate this opportunity to speak today for H.R. 10088, a bill to establish the Big Cypress National Reserve in the State of Florida. I am proud to be one of the original sponsors of H.R. 46, the first bill which was introduced by all the Members of the Florida delegation to bring this fine project about. I testified in the House Interior and Insular Affairs Committee in favor of this legislation on May 10.

The Big Cypress National Fresh Water Reserve in south Florida provides an excellent opportunity for the Federal Government to work with the State of Florida and with interested citizens in an effort to preserve an important natural resource and to help insure a healthy environment for the people of south Florida. The Big Cypress today provides 55 percent of the water that flows into the Everglades. It is also a key to survival for the far-reaching recreational and commercial fishing enterprises that depend upon those estuaries.

In addition to the human needs which the Big Cypress Watershed satisfies there are also many types of flora and fauna and animal communities that thrive in the Big Cypress. It is a highly complex, very fragile ecosystem kept in balance by a unique watershed flow, southward, down the almost imperceptible 2-inch-per-mile slope from Lake Okeechobee to the Gulf of Mexico.

I support the changes which have been made by the House Interior Committee in this legislation and am glad that the thrust remains essentially the same. The Big Cypress National Fresh Water Reserve is well on its way to becoming a reality and I strongly urge support for this legislation today.

Mr. FREY. Mr. Chairman, the bill which we are considering, H.R. 10088, will establish the Big Cypress National Preserve in the State of Florida. This legislation is important in many ways. It will protect a significant portion of the Big Cypress watershed which is critical to the stabilization of the Everglades National Park. It will protect the ecosystems and environment of one of our Nation's most treasured natural areas. It will set a precedent in establishing a new vehicle by which to protect other natural areas. And it marks an encouraging and coop-

erative spirit between the Federal Government and a State government in working toward these ends.

Big Cypress lies adjacent to the Everglades National Park, and the two form a nearly complete hydrologic unit together. The Everglades Park is considerably dependent upon the Big Cypress watershed for its supply of fresh water. A vital factor is that the land within Big Cypress is flat and thus serves as a natural water storage area. Any change could seriously disrupt the ecosystems of Everglades Park, and therefore Big Cypress must be protected.

Second, Big Cypress in itself contains unusual and highly valuable environmental assets, both in terms of scientific study and individual enjoyment. Thousands of migrating birds come each year to this area; species of fish and animals—many of which are on the endangered species list—habit this unique area. In addition, a wide variety of plant life is seen, including many species not found anywhere else outside the tropics. The Big Cypress-Everglades offers many recreation activities in a true wilderness area—camping, hiking, sightseeing, nature studies, et cetera.

Third, this bill carefully states its purpose is to establish the Big Cypress National Preserve. "Preserve" is a new word being chosen to define something being kept or safeguarded and basically protected and perpetuated for an intended, stated purpose. This is the case with Big Cypress. Management of "preserves" may be different from management of reserves—the primary responsibility being to protect the area for its stated purpose.

Last, the State of Florida, I am proud to say, has certainly been a vanguard in preserving and protecting its natural areas of beauty and value. For example, in 1934 the Federal Government authorized the establishment of the Everglades National Park. The State of Florida was instrumental in acquiring through donations 935,000 acres for the park. With the exception of 4,400 acres, no Federal funds were spent to buy any park lands until 1966. Again, with the Big Cypress, Florida has taken the lead among States in the protection of its environmentally treasured areas. The State has made \$40 million available this year to begin purchase of lands and has designated it as an "area of critical State concern" which subjects it to strict environmental controls.

Though water is the main resource of the Big Cypress, it is certainly not the only one. For many reasons, it is imperative that this area be protected as a national preserve and I urge the favorable consideration of H.R. 10088.

Mr. FUQUA. Mr. Chairman, I am pleased to be able to take to the floor today in support of this legislation and to applaud the committee's leadership in bringing this measure to the floor. As a cosponsor of this bill, I am intimately aware of the need to establish the Big Cypress National Preserve so that protection can be given the Big Cypress watershed. I agree with the Depart-

ment of the Interior that the Big Cypress-Everglades ecosystem is one of the most unique in the world and deserves protection from the encroachment of man and development.

The Big Cypress ecosystem plays an increasingly important role in the continued vitality of the natural and economic resource in south Florida. This legislation is the proper outgrowth of the Big Cypress watershed study report and other investigations pointing out the great need to protect this unique watershed.

The recreation possibilities of the Big Cypress Swamp are impressive indeed and there is little question that we must protect those natural sanctuaries still available to us. The great State of Florida welcomes millions of visitors each year who come primarily to enjoy our tropical climate and the outdoors.

Another pressing reason why this legislation must be approved stems from the fact that the Big Cypress area is in the heart of the natural ecosystem essential to provide fresh water sustenance to the large population of south Florida while preserving the wildlife. Problems of salt water intrusion and the threat to both recreational and commercial fishing magnifies the urgency of this legislation.

The committee has pointed out that over 17 species of wildlife which have been placed on the endangered list inhabit this valuable natural resource. The ecosystem of the Big Cypress area is fragile indeed and must be given every protection if we are to avert the elimination of this wildlife forever.

The reasons in support of this legislation are public knowledge and cannot be refuted by those who would seek to deprive the citizens of Florida as well as the Nation at large. The Big Cypress Swamp standing alone is a source of natural wonder and provides our citizens with an opportunity to enjoy the outdoors in a pristine and natural state. Our high-paced society has a dehumanizing effect on all citizens and natural areas must be provided as a sanctuary from the everyday pressures and anxieties of our technological existence. The rejuvenating experiences of "getting away from it all" cannot be measured.

The committee report reflects the unique efforts which have been undertaken by the State of Florida to preserve its natural resources in a pristine state. The State legislature, with the approval of the Governor, has gone on record in support of this legislation and has demonstrated the great priority this project has by making available \$40 million to initiate the purchase of lands within the proposed preserve. This Federal/State cooperation serves as a model for other natural areas which will require protection in the area.

While the total cost of land acquisition and development will require some \$156 million, the availability of the \$40 million State participation makes this project a bargain for the Federal Government.

The distinguished chairman of the

House Committee on Interior and Insular Affairs, **Jim HALEY**, deserves a great deal of credit for his unwavering efforts and leadership in making this legislation possible. Congressman **HALEY** is a fellow Floridian and a man who has meant a great deal to me during the years I have spent in this body. Congressman **Roy TAYLOR** and the other members of the committee should also be applauded for their foresight and concern.

It is for these reasons that I wholeheartedly support this legislation and call upon my colleagues to vote in favor of this legislation. The Federal interest in the protection of this virgin wilderness is obvious and I am most hopeful that we will be able to preserve this unique area for future generations. The need is certainly great.

Mr. FASCELL. Mr. Chairman, I rise in strong support of H.R. 10088, the bill to establish the Big Cypress National Preserve in Florida, as a sponsor of the bill.

We in Florida are all indebted to the able leadership of the chairman of the Interior and Insular Affairs Committee, the Honorable **JAMES HALEY**, for his active support of the proposal. Without his guidance and direction the future of the Big Cypress would still be in question.

Our thanks go to the chairman of the National Parks and Recreation Subcommittee, Congressman **Roy TAYLOR**, as well. His longstanding record in support of legislation to preserve and protect our natural resources is without equal, and his efforts in behalf of the Big Cypress contribute substantially to that record. I deeply regret that a personal, family matter has prohibited **Roy** from being here today to help guide the bill through the House. I know all our colleagues join in expressing our sympathy on the death of his brother.

Approval of the Big Cypress bill is essential for the following reasons: First, to protect the fresh water supply of South Florida; second, to protect the fresh water and ecological balance of the Everglades National Park; and third, to preserve the unique ecosystems in the Big Cypress itself.

Water is the key to life, and the best guide to analyzing natural resources problems. This is especially true for southern Florida.

With its abundant rainfall, the ecosystems of southern Florida are amazingly delicate, and that delicacy is closely tied to water flow patterns. The Big Cypress swamp is an integral part of these patterns.

Part of what makes southern Florida's water situation so complex is the presence of salt water on three sides threatening to contaminate fresh water supplies if they are mismanaged. South Florida is dependent upon ground water for its drinking water. If the aquifers are depleted too severely, salt water will intrude and they will be contaminated for water supply. As many wetlands do, Big Cypress plays an extremely valuable role of recharging ground water. Development of too much of southern Florida's wetlands could conceivably destroy the fresh

water supplies that make that development possible.

Of equal importance, is the role which the Big Cypress plays in supplying water to the Everglades National Park. Although the Everglades do get abundant rainfall and 80 percent of its water supply does come from rainfall, it is still very dependent upon water coming from the north by sheet flow. This water keeps coming after the rainy season has ended, and is fundamental to the peculiar ecosystem that is the Everglades. Roughly half of this outside water comes from the Big Cypress watershed.

The Congress has repeatedly recognized the value in protecting the Everglades. The park, authorized by the Congress, is without question one of America's greatest natural treasures. Approval of the Big Cypress bill is required to preserve that unique tropic-like environment and protect a very important investment.

I should also mention the importance of protecting the water supply in the Big Cypress for the mangrove forests and rich estuaries of south Florida's gulf coast. This area provides nutrients, breeding grounds, and shelter for the juveniles of several very valuable commercial fisheries in the gulf. This includes an \$8 million per year shrimp industry. The whole region is highly dependent upon the delicate balance between fresh and salt water. Again, the surface flow of water from Big Cypress is essential. Disturb the Big Cypress sufficiently, by development, and you endanger the estuaries and mangroves and jeopardize both commercial and sport fishing in the Gulf.

And finally, the Big Cypress swamp should be protected and preserved in its own right. It harbors many endangered species, contains beautiful and unusual habitats, provides recreation to people from all over the country, and conveys a feeling of wilderness which is seldom found anywhere in the Eastern United States. If we fail to take action necessary to protect it from development, it would be lost forever.

In my judgment, no price is too great to pay to insure the preservation of the Big Cypress swamp, the preservation of the Everglades National Park as we know it, and the fresh water supply of south Florida. No value can be placed on fresh water—without it, there would be no development in south Florida at all.

The National Parks and Recreation Subcommittee and the full Committee on Interior and Insular Affairs Committee have given this proposal extensive consideration. The bill before the House today represents the best thinking of all the Members involved, of the Department of the Interior, of interested conservation groups in Florida and throughout the country. It deserves the wholehearted support of the House.

One aspect of the bill has been of particular concern to me, and that is the protection of the economic and cultural interests of the Miccosukee and Seminole Indians who have lived in Florida for over 200 years. It is evident that

the committee has shared that concern, and acted to protect those interests. Both tribes have traditionally used much of the Big Cypress area for hunting, fishing and ceremonial purposes. Under the bill, they will be permitted to continue such usual and customary uses, subject to such reasonable rules and regulations as the Secretary may promulgate.

Specific provision is also made in the bill to give members of the Miccosukee and Seminole Tribes who have been engaged in revenue producing visitor services, a right of first refusal on contracts to provide similar services within the preserve in the future.

The tribes had hoped that specific provision would also be included in the bill to provide a similar right of first refusal on new revenue producing services. While such language was not included in the bill, I am pleased that the committee recognized the importance of this issue to the Indians, and indicated in its report that while the Secretary of the Interior must determine who could best serve the public need, "in the event all applicants, for any new services, are qualified then equity would suggest that the local tribal groups or individuals should be given first preference in contracts to provide visitor services." I certainly hope that the Secretary gives full weight to the committee's direction in this matter.

I should also point out the strong support of the State of Florida in protecting and preserving the Big Cypress. By action of the State legislature, and with the approval of the Governor, the State has made \$40 million available this year to begin the purchase of lands within the proposed Big Cypress preserve. Lands acquired with this money will be conveyed to the Federal Government.

Mr. CHAIRMAN, may I again congratulate and thank our colleague and my good friend from Florida, Jim HALEY, for his leadership in moving this bill through the Interior Committee and to the House for its consideration, and urge all our colleagues to join in support of H.R. 10088.

Mr. SIKES. Mr. Chairman, first I congratulate most warmly the distinguished gentleman from Florida, the chairman of the Committee on Interior and Insular Affairs, for bringing this important legislation to the floor. It is typical of the outstanding work done through the years by this important committee. We in Florida are especially proud of its continuing leadership under the chairmanship of our own distinguished colleague (Mr. HALEY).

Passage of legislation to establish the Big Cypress National Preserve in Florida will be another example of congressional concern for the environment and beauty of America.

It was my privilege to cosponsor, along with all other members of the Florida delegation, this important piece of legislation.

The Big Cypress Watershed is one of the most unique ecological systems in Florida and the Nation. It actually is the natural water conservation area which

provides more than half the surface flow water to the Everglades and the beautiful national park there.

Big Cypress is a sport fisherman's paradise. It is a breeding ground for shrimp, an important reservoir, a part of the delicate balance between fresh and salt water in the mangrove swamp, and a vital link in fresh water supplies for a great portion of Florida.

If for no other reason, congressional establishment of this preserve offers almost limitless recreational opportunities. Tropical flora abound, it is the refuge of the Florida panther and the Southern bald eagle. It truly is one of the last places in the Eastern United States where a visitor can feel a sense of the wilderness as nature created it.

Hunting, trapping, and fishing will continue to be allowed in accordance with the laws of the State and Nation and the Indians are to be allowed to remain on the land to live and hunt.

Congressional action on this bill has come at the proper time, before unwise use of the area by man caused irreparable damage to the scenic and ecological beauty of the area.

Eventually, the Big Cypress National Preserve deserves to be in the wilderness system of this Nation. The State of Florida has agreed to cooperate fully in this endeavor, even to turning over State held lands to be included in the preserve.

I applaud the proposal to establish this unique and important preserve. The move is another in a long series of steps which have, and will continue to be taken by responsible elected officials to preserve for all time, important wilderness areas of America.

Mr. Saylor. Mr. Chairman, I have no further requests for time.

Mr. HALEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 10088

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof, the Big Cypress National Preserve is hereby established.*

(b) The Big Cypress National Preserve (hereafter referred to as the "preserve") shall comprise the area generally depicted on the map entitled "Big Cypress National Preserve", dated November 1971 and numbered BC-91,001, which shall be on file and available for public inspection in the Offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Collier, Monroe, and Dade Counties in the State of Florida. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, publish a detailed description of the boundaries of the preserve in the Federal Register which shall include not more than five hundred and seventy thousand acres of land and water.

(c) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That any lands owned or acquired by the State of Florida, or any of its subdivisions, may be acquired by donation only. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds.

SEC. 2. (a) Effective on the date that the State of Florida enters into a contract with the Secretary to expend \$40,000,000 for the acquisition of land within the preserve and to donate the land so acquired to the United States and in addition thereto agrees to donate to the United States all or any portion of the \$40,000,000 that is not used by the State for such purpose, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the boundaries designated in section 1 of this Act, except as provided in subsection (c) of this section. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(b) The United States will pay just compensation to the owner of any real property taken by subsection (a) of this section and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States pursuant to the provisions of this Act. Payment shall be made by the Secretary of the Treasury from moneys available and appropriated from the Land and Water Conservation Fund, subject to the appropriation limitation contained in section 8 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking to the date of payment therefor. Any action against the United States for just compensation for any lands or interests taken pursuant to this subsection shall be brought in the district court of the United States for the district in which such property is situated. In the absence of a negotiated agreement or an action by the owner within one year after the date of enactment of this Act, the Secretary may initiate proceedings seeking a determination of just compensation in the district court of the United States for the district in which the property is situated. In the event that the Secretary determines that fee title to any lands taken pursuant to this provision is not necessary for the purposes of this Act, he may, with the concurrence of the former owner, revest title in such lands to such owner subject to such terms and conditions as he deems appropriate to carry out the purposes of this Act and he may compensate the owner for no more than the fair market value of the rights so reversed: *Provided*, That the Secretary shall not revest title to any lands for which just and full compensation has been paid.

(c) This section shall not apply to any improved property as defined in subsection 3(b) of this Act: *Provided*, That the Secretary may, in his discretion, initiate eminent domain proceedings if, in his judgment, such lands are subject to, or threatened with, uses which are or would be detrimental to the

purposes and objectives of this Act. The district court of the United States for the district in which such property is situated shall have jurisdiction to hear evidence and determine just compensation for any lands taken pursuant to the provisions of this subsection.

SEC. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act, the term "improved property" means a detached, one-family dwelling, construction of which was begun before November 23, 1971, which is used for noncommercial residential purposes, together with not to exceed three acres of lands on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(c) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

SEC. 4. (a) The area within the boundaries depicted on the map referred to in section 1 shall be known as the Big Cypress National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

(b) In administering the preserve, the Secretary shall develop and publish in the Federal Register such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to:

- (1) motorized vehicles,
- (2) exploration for and extraction of oil, gas, and other minerals,
- (3) grazing,
- (4) draining or constructing of works or structures which alter the natural water courses,
- (5) agriculture,
- (6) hunting, fishing, and trapping,
- (7) new construction of any kind, and
- (8) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act: *Provided*, That the Secretary shall consult and cooperate with the Secretary of Transportation to assure that necessary transportation facilities shall be located within existing or reasonably expanded rights-of-way

and constructed within the reserve in a manner consistent with the purposes of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Florida, except that he may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida shall be permitted, subject to reasonable regulations established by the Secretary, to continue their usual and customary use and occupancy of Federal lands and waters within the reserve, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonies.

SEC. 6. Notwithstanding any other provision of law, before entering into any contract for the provision of revenue-producing visitor services, the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972, were engaged in the provision of similar services, a right of first refusal to continue providing such services within the preserve subject to such terms and conditions as he may deem appropriate.

SEC. 7. Within five years from the date of the enactment of this Act, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$116,000,000 for the acquisition of lands and interests in lands and not to exceed \$900,000 for development: *Provided*, That no Federal funds may be appropriated unless the State of Florida and the Secretary conclude and execute the agreement referred to in subsection 2(a) no later than ninety days after the date of enactment of this Act. Any funds donated to the United States pursuant to subsection (2) shall be added to the appropriations made pursuant to this section for the acquisition of lands.

Mr. SAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed at this point in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DENT, 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. 10088) to establish the Big Cypress National Preserve in the State of Florida, and for other purposes, pursuant to House Resolution 565, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

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

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

Mr. GERALD R. FORD. 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 376, nays 2, not voting 56, as follows:

[Roll No. 497]

YEAS—376

Abdnor	Clausen,	Forsythe
Abzug	Don H.	Fountain
Adams	Clawson, Del	Fraser
Addabbo	Clay	Frelinghuysen
Alexander	Cleveland	Frenzel
Anderson,	Cochran	Frey
Calif.	Cohen	Froehlich
Anderson, Ill.	Collier	Fulton
Andrews, N.C.	Collins, Ill.	Fuqua
Andrews, N. Dak.	Collins, Tex.	Gaydos
Annunzio	Conable	Gettys
Archer	Conlan	Giaimo
Arends	Conte	Gibbons
Armstrong	Corman	Ginn
Ashley	Cotter	Goldwater
Badillo	Coughlin	Goodling
Bafalis	Crane	Grasso
Bauman	Cronin	Gray
Beard	Culver	Green, Oreg.
Bell	Daniel, Dan	Green, Pa.
Bennett	Daniel, Robert	Griffiths
Bergland	W., Jr.	Grover
Blaggi	Daniels,	Gubser
Blester	Dominick V.	Gunter
Bingham	Danielson	Guyer
Blackburn	Davis, Ga.	Haley
Blatnik	Davis, S.C.	Hamilton
Boggs	de la Garza	Hammer-
Boland	Delaney	schmidt
Bolling	Dellenback	Hanley
Bowen	Dellums	Hanrahan
Brademas	Denholm	Hansen, Idaho
Brasco	Dennis	Hansen, Wash.
Bray	Dent	Harrington
Breckinridge	Derwinski	Harsha
Brinkley	Devine	Harvey
Brook	Dickinson	Hastings
Brotzman	Diggs	Hawkins
Brown, Mich.	Donohue	Hechler, W. Va.
Brown, Ohio	Dorn	Heckler, Mass.
Broyhill, N.C.	Downing	Heinz
Buchanan	Drinan	Heistoski
Burgener	Duncan	Henderson
Burke, Calif.	du Pont	Hicks
Burke, Fla.	Eckhardt	Hillis
Burke, Mass.	Edwards, Ala.	Hinshaw
Burleson, Tex.	Edwards, Calif.	Hogan
Burlison, Mo.	Eilberg	Hollifield
Butler	Eshleman	Holt
Byron	Evans, Colo.	Holtzman
Camp	Evins, Tenn.	Horton
Carey, N.Y.	Fascell	Hosmer
Carney, Ohio	Findley	Howard
Carter	Fish	Huber
Casey, Tex.	Fisher	Hudnut
Cederberg	Flood	Hungate
Chamberlain	Flowers	Hunt
Chappell	Flynt	Hutchinson
Clancy	Ford, Gerald R.	Ichord
Clark	Ford,	Jarman
	William D.	Johnson, Calif.

Johnson, Pa.	Nichols	Staggers
Jones, N.C.	Obey	Stanton,
Jones, Okla.	O'Hara	J. William
Jones, Tenn.	O'Neill	Stanton,
Jordan	Owens	James V.
Karth	Parris	Stark
Kazen	Passman	Steel
Keating	Patman	Steelman
Kemp	Patten	Steiger, Wis.
Ketchum	Pepper	Stephens
Kuykendall	Perkins	Stokes
Kyros	Pettis	Stratton
Landgrebe	Peyser	Stuckey
Landrum	Pickle	Studds
Latta	Pike	Sullivan
Lehman	Poage	Symington
Lent	Podell	Symmons
Litton	Powell, Ohio	Talcott
Long, La.	Preyer	Taylor, Mo.
Long, Md.	Price, Ill.	Teague, Calif.
Lott	Price, Tex.	Thompson, N.J.
Lujan	Pritchard	Thomson, Wis.
McClory	Quie	Thone
McCloskey	Quillen	Thornton
McCollister	Randall	Tierman
McCormack	Rangel	Towell, Nev.
McDade	Rarick	Treen
McEwen	Rees	Udall
McFall	Regula	Ullman
McKay	Reuss	Rhodes
McKinney	Rhodes	Rinaldo
McSpadden	Roberts	Roberts
Macdonald	Robinson, Va.	Robinson, N.Y.
Madden	Rodino	Rodino
Madigan	Roe	Roe
Mahon	Rogers	Rogers
Maillard	Roncalio, Wyo.	Roncalio, N.Y.
Mallary	Maraziti	Rooney, N.Y.
Mann	Martin, N.C.	Rooney, Pa.
Maraziti	Mathias, Calif.	Rosenthal
Martin, N.C.	Mathis, Ga.	Rostenkowski
Mathias, Calif.	Matsumaga	Roush
Mathis, Ga.	Mayne	Rousselot
Matsumaga	Mazzoli	Rousselot
Meeds	Meeds	Roy
Melcher	Melcher	Ruppe
Metcalfe	Metcalfe	Ruth
Mezvinsky	Mezvinsky	Ryan
Milford	Milford	St. Germain
Miller	Minish	Sarasin
Minish	Mink	Sarbanes
Mink	Mitchell, Md.	Satterfield
Mitchell, Md.	Mitchell, N.Y.	Saylor
Moakley	Moakley	Scherle
Mollohan	Mollohan	Schneebell
Montgomery	Montgomery	Schroeder
Moorhead,	Moorhead, Calif.	Sebelius
Calf.	Moorhead, Pa.	Seiberling
Moorhead, Pa.	Mosher	Shoup
Moss	Murphy, Ill.	Shriver
Murphy, Ill.	Murphy, N.Y.	Shuster
Myers	Myers	Sikes
Natcher	Natcher	Slack
Nedzi	Nedzi	Smith, Iowa
		Snyder
		Spence

## NAYS—2

Davis, Wis.

## NOT VOTING—56

Ashbrook	Gude	O'Brien
Aspin	Hanna	Railsback
Baker	Hays	Reid
Barrett	Hébert	Riegle
Bevill	Johnson, Colo.	Rose
Breaux	Jones, Ala.	Royal
Broomfield	Kastenmeier	Runnels
Brown, Calif.	King	Sandman
Broyhill, Va.	Kluczynski	Shipley
Burton	Koch	Skubitz
Chisholm	Leggett	Smith, N.Y.
Conyers	Martin, Nebr.	Steiger, Ariz.
Dingell	Michel	Stubblefield
Dulski	Mills, Ark.	Taylor, N.C.
Erlenborn	Minshall, Ohio	Teague, Tex.
Esch	Mizell	Vander Jagt
Foley	Morgan	White
Gilman	Nelsen	Zwach
Gonzalez	Nix	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hanna with Mr. Gonzalez.

Mr. Kluczynski with Mr. Brown of California.

Mr. Dingell with Mr. Baker.

Staggers	Mr. Conyers with Mr. Runnels.
Stanton,	Mr. Taylor of North Carolina with Mr. Minshall of Ohio.
J. William	Mr. Morgan with Mr. Mizell.
Stanton,	Mr. Leggett with Mr. Skubitz.
James V.	Mr. Mills of Arkansas with Mr. Smith of New York.
Stark	Mr. Hays with Mr. Martin of Nebraska.
Steel	Mr. Teague of Texas with Mr. O'Brien.
Steelman	Mr. Nix with Mr. Aspin.
Steiger, Wis.	Mr. Reid with Mr. Ashbrook.
Stephens	Mr. Koch with Mr. Sandman.
Stokes	Mr. Chisholm with Mr. Roybal.
Stratton	Mr. Dulski with Mr. Michel.
Stuckey	Mr. Hébert with Mr. Zwach.
Studds	Mr. Stubblefield with Mr. Gude.
Sullivan	Mr. Burton with Mr. Erlenborn.
Symington	Mr. Shipley with Mr. Broomfield.
Symmons	Mr. Bevill with Mr. Esch.
Talcott	Mr. Jones of Alabama with Mr. Steiger of Arizona.
Taylor, Mo.	Mr. Kastenmeier with Mr. Vander Jagt.
Teague, Calif.	Mr. Breaux with Mr. Nelsen.
Thompson, N.J.	Mr. Riegle with Mr. Gilman.
Thomson, Wis.	Mr. Barrett with Mr. King.
Thone	Mr. Rose with Mr. Broyhill of Virginia.
Thornton	Mr. Foley with Mr. White.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HALEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation (H.R. 10088) just passed.

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

There was no objection.

## MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1974

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 753) making further continuing appropriations for the fiscal year 1974, and for other purposes.

The Clerk read the title of the joint resolution.

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

Mr. GIAIMO. Mr. Speaker, reserving the right to object—and I shall not object—would the distinguished chairman of the Appropriations Committee explain the necessity for the so-called 1 week continuing resolution so that we clearly understand what is happening here, since as I understand it, the other body has just completed action on the sine die continuing resolution.

Mr. MAHON. Mr. Speaker, if the gentleman will yield to me I will explain the situation.

Mr. GIAIMO. I yield to the distinguished chairman of the committee.

Mr. MAHON. Mr. Speaker, a few minutes ago the Senate passed a continuing resolution. The House has passed a continuing resolution extension until sine die adjournment, but there is a very considerable difference between the Senate version and the House version. It is going to take some time to iron out

the differences between the two versions of the continuing resolution.

This is just a stopgap continuing resolution extending the effective date of the original June resolution until next Thursday in order to give the House and Senate conferees an opportunity to resolve the differences between the House and Senate versions of House Joint Resolution 727, the continuing resolution which the House passed September 25.

Mr. QUIE. Mr. Speaker, further reserving the right to object, and I shall not object, I want to ask the gentleman from Texas, the distinguished chairman of the committee, a question about what will happen now when, if we do by unanimous-consent action, continue to the 11th, then will the bill that was passed by this body and the other body remain as passed, or do we go back and start a new piece of legislation?

Mr. MAHON. Mr. Speaker, if the gentleman will yield to me for an answer, the original continuing resolution which became effective on July 1 will remain alive. I expect to send to conference on next Tuesday the continuing resolution extension which we passed last week in order to iron out the differences between the two versions in the regular way we handle all bills. This measure before us now will not negate the continuing resolution extension which we passed last week and which the Senate passed today.

Mr. QUIE. Mr. Speaker, as I understand from the gentleman, he will move to go to conference on Tuesday next?

Mr. MAHON. The gentleman is correct.

Mr. QUIE. The other question I have is that this body passed the amendment, which I had offered, which holds every local educational agency harmless at 85 percent of 1973 receipts. It does not hold States harmless at any level. The other body, as I understand, adopted language which holds every local education agency and State harmless at 90 percent of 1972 receipts, but puts a limit at 110 percent. Both of those would go into effect on the first of October.

The question is, would OE now distribute for 1 week the money passed on 100 percent hold harmless for the States for the 1 week, or would you report a resolution providing new language, beginning October 1, so that there would not be a distribution of only 1 week?

Mr. MAHON. There would have to be some sort of agreement between the House and the Senate on language in the continuing resolution (H.J. Res. 727) to solve the problem which the gentleman set forth. It would be impossible for me to tell just what might be agreed to in conference between House and Senate. We would continue to operate, of course, under the July 1 continuing resolution through the 11th day of October under the measure before us at this time.

Mr. QUIE. But, if the gentleman would answer this, he would not expect that the Office of Education would hand out 1 week's worth of money during that period of time to the schools?

Mr. MAHON. Oh, no, because that is a formula grant program and this resolu-

tion simply extends the original continuing resolution until October 11.

Mr. QUIE. So the continuing resolution for 1 week is to permit paying salaries to Federal employees?

Mr. MAHON. Well, it would also provide for carrying on many of the regular functions of the Government. Almost the whole Government, in effect, is operating without the authority contained in the continuing resolution and we need to pass this measure before us now. That is the reason for the emergency and unusual request being made.

Mr. QUIE. Mr. Speaker, I say to the gentleman carrying out the activities of the Federal Government is also distributing title I money, which is also the question here.

I say to the gentleman, I hope we do not expect the Office of Education to be distributing 1 week's worth of money but rather that the decision made on the "hold harmless" in conference will apply to the whole next quarter, rather than leaving the 1 week separate.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

The Clerk read the joint resolution as follows:

**H. J. RES. 753**

Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That clause (c) of section 102 of the joint resolution of July 1, 1973 (Public Law 93-52), is hereby amended by striking out "September 30, 1973" and inserting in lieu thereof "October 11, 1973".*

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

**FURTHER MESSAGE FROM THE SENATE**

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

*H. J. Res. 727. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.*

The message also announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 727) entitled "a joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. MAGNUSON, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. INOUE, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, and Mr. CASE to be the conferees on the part of the Senate.

**GENERAL LEAVE**

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

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

There was no objection.

**PERSONAL EXPLANATION AS TO VOTES**

Mr. DANIELSON. Mr. Speaker, I was unavoidably absent on Tuesday, September 26, 1973, and as a result of my absence, did not vote on eight rollcalls. I would like to state how I would have voted on these measures had I been present.

Tuesday, September 2, 1973:

Roll No. 475—Adoption of the conference report on H.R. 8610. I would have voted "yea."

Roll No. 476—Amendment to House Joint Resolution 727. I would have voted "yea."

Roll No. 477—Amendment to House Joint Resolution 727. I would have voted "yea."

Roll No. 478—Amendment to House Joint Resolution 427. I would have voted "yea."

Roll No. 479—Final passage of House Joint Resolution 727. I would have voted "yea."

Wednesday, September 26, 1973:

Roll No. 481—Amendment to H.R. 981. I would have voted "yea."

Roll No. 482—Amendment to H.R. 981. I would have voted "nay."

Roll No. 483—Final passage of H.R. 981. I would have voted "yea."

**AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT**

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until October 4, 1973, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**WOMEN IN MILITARY ACADEMIES**

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

Mr. DU PONT. Mr. Speaker, in the last decade or so, this Nation has made great strides in equalizing opportunities for all

its citizens. Still, much more needs to be done.

One of the most glaring injustices which the Congress can and should eliminate immediately, is the continued prohibition against admitting women to the military service academies.

I have been advised by the Secretaries of the Navy, Air Force, and Army, that no matter how well qualified a female service academy applicant from my State or any other State may be, she will not be admitted to the service academies.

Discrimination based on sex is clearly wrong and particularly so when it affects one's opportunities for employment.

I believe that the basic elements of fairness as well as the U.S. Constitution guarantee women the right to be admitted to the service academies should they otherwise qualify.

I am introducing legislation today to change those sections of the United States Code which the military services have used as legal justification for their refusal to admit women.

If it takes amending the United States Code to open the academies to women, then let us change the laws. If it is really tradition that is stopping the admission of women, then I think we need to move the service academies into the 20th century.

Women, both officers and enlisted personnel, already play a vital role in the Armed Forces, and that role is expanding rapidly as the military moves toward its goal of all-volunteer services. All three branches of the military intend to substantially increase the number of women in the Armed Forces. By June of 1978, their total objective is to have some 45,000 enlisted women and officers.

The purpose of the service academies supposedly is to train highly skilled and motivated officers for the Armed Forces who will rise to top leadership positions in the services. Sex is irrelevant in meeting that goal.

Competition for service academy appointments would only be enhanced by expanding the eligibility requirements to allow women.

The modern military needs administrators, economists, computer specialists, communications experts, linguists, and many other specialists for careers which do not involve actual hand-to-hand combat.

Women's role in the Armed Forces is increasing, not only in terms of sheer numbers, but also in terms of occupational and career opportunities available to them.

The first eight women have recently begun service in the National Guard. In the Army, where four women have attained the rank of general, almost all occupational specialities, except those directly involving combat are open now to women.

The Air Force has announced that all but five combat associated job specialties have been opened up to women. Last August, the Air Force appointed Col. Norma Brown as the first woman com-

mander of a major U.S. men's military unit.

The Navy plans to open all enlisted ratings to women and ROTC to female midshipmen. They plan to allow women officers to attend the National War College, the Armed Forces Staff College, and Industrial College of the Armed Forces. They are revising naval regulations to permit women officers to assume command of naval shore stations and permit women line officers to compete with men for promotion, including the rank of admiral.

In view of the changing facts on the the role of women in the Armed Forces, it is ridiculous, wasteful, and anachronistic to maintain that the best officer training our Nation has to offer should be limited to men only.

The Armed Forces would benefit just as much as women by making these opportunities available to the most qualified candidates of both sexes.

#### HOUSE SHOULD INVESTIGATE CHARGES AGAINST VICE PRESIDENT AGNEW

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

Mr. McCLORY. Mr. Speaker, of all the things that have been revealed through the Senate Watergate investigation, one predominant question has appeared and seems to be looming large in the recent experiences of the Vice President with respect to the leaks of allegations against him. The apparent lack of respect of people in power impairs those rights our Founding Fathers fought to preserve, especially equality, fairness, and impartiality of justice.

It is not my intent to delve into the ramifications of the indifference evinced by people in power to basic American traditions and constitutional rights, which was brought out so clearly in the Senate Watergate hearings. However, I do intend to address myself to the present plight of Vice President AGNEW whose constitutional rights have been so severely violated in the past several weeks.

I think that no matter what our party affiliation may be we can all agree that the Vice President, just as any citizen, deserves a fair and impartial hearing. At this stage, the possibility of this happening is only a matter of conjecture. As a first step toward protecting the rights of the Vice President, the Congress must assume leadership in this matter.

In the past several weeks calumnious "leaks" of allegations against the Vice President, have resulted in irreparable damage to his constitutional rights. It is this lack of respect for his rights by people in power that directly resulted in "leaks," which the press has used to "try" the Vice President in the news-papers.

A "leak" can only be defined as the release of information in a clandestine manner, with the intention of injuring

another—or prejudicing his rights. I consider the release of information relating to the grand jury investigation to be a flagrant contravention of Mr. AGNEW's civil and constitutional rights and as such should be looked upon as a serious offense. Because of these leaks the present grand jury cannot possibly function effectively and fairly.

A thorough and fair investigation should be undertaken to determine the sources of the leaks and recommend action to stop them. In regard to the Vice President, there is grave doubt in my mind that a grand jury has authority to either investigate or much less indict the Vice President of the United States. This right to investigate the Vice President appears to be covered in the Constitution as being the sole prerogative of the House of Representatives. We must not shirk this responsibility by refusing out of hand to give the Vice President a fair and impartial hearing. We must be willing to assume that responsibility as has been done in the past.

Mr. Speaker, I call upon our leaders and fellow Members to lay aside partisan feelings and to do what they know in their hearts is right. We should establish an investigatory committee empowered to look into all aspects of the allegations leveled against the Vice President. Once the committee has finished its investigation, it could report to the full membership its findings and make its recommendations.

In conclusion, by accepting the mantle of leadership and giving the Vice President a full hearing, we can guarantee him the right to a fair and impartial investigation. We can look into the problem of leaks. Perhaps, we can promulgate legislation that will help curtail malicious attempts to defame and hurt individuals through leaks. If these steps are taken we can garner the respect of both our countrymen and of people throughout the world who look to America as the bastion of freedom and justice. This reinforcement of our own self-image can only strengthen the moral fiber of the Nation which has been so sorely tested these past few years.

#### ENERGY SHORTAGE

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

Mr. MILFORD. Mr. Speaker, something, which I consider to be highly significant, took place over the weekend at the Oklahoma State Fair in Oklahoma City. I regret that there has not been wider notice given to the event.

The Speaker of the House gave a strong and positive speech on what is probably the major problem in the United States today—the energy shortage and the efforts to relieve the shortage.

When a man as widely and highly respected as our colleague and leader, Mr. ALBERT, addresses himself strongly to an

issue of this magnitude, I believe it is important.

I would like to have the Speaker's speech on energy appear in the RECORD. I believe it will be of considerable interest to the Members of this body and to many other concerned Americans.

#### ADDRESS OF HON. CARL ALBERT

It is highly appropriate that energy should be the theme of the 1973 State Fair of Oklahoma. Energy has long been a cornerstone of our economy and has imbued Oklahoma's history with an exciting chapter of progress and prosperity.

Today, the energy picture is changing in Oklahoma and around the world. Never before in the history of this country has the demand for energy fuels outrun our ability to supply them domestically. In six of the past eight years, Oklahoma's production of oil has exceeded the discovery of new reserves. In another ten years, if new discoveries are not encouraged, Oklahoma will become a net importer of oil and gas. As one who represents a district that produces 25 percent of Oklahoma's natural gas and 40 percent of its oil, I am honored to join with you to discuss these changes that have been thrust upon us and the opportunities and problems they present.

Let me read a statement made by a great American:

"This country must face squarely the fact that a major portion of its rapidly increasing energy requirements is being met by oil and gas, which constitute only a small portion of our energy reserves. The prospects are that we shall become increasingly dependent on foreign sources of oil unless appropriate action is taken."

This statement did not come from yesterday's newspaper. It came from the State of the Union Message delivered by Harry Truman in 1949.

President Truman also said: "To a greater extent than ever before, our prosperity and security depend upon our natural resources . . . A nation is only as strong as its productive capacity, and our capacity is now limited by our shortages."

More than twenty years later we are finally beginning to realize that our economy and quality of life largely depend on energy being conveniently and abundantly available to the American people. The availability of energy is one of the major problems facing not only the United States but the entire world. This problem should be elevated to high priority in the top echelons of the government of this nation.

Our efforts are currently being hampered by the proliferation of a pack of deceiving energy myths. This morning I would like to explore some of these myths with you.

First, there is the "fake crisis" myth where conspiracy and collusion by the oil companies are said to be responsible for energy problems. This argument is a sham. Growing energy demands combined with dwindling domestic supplies of fossil resources flash a clear danger signal to oil and gas industry management who realize that serious shortages only invite a dramatic increase in government intervention. Anyone who purposely tries to exploit a serious national problem to feather his own nest is guilty of the worst kind of deception and fraud. This sort of activity is reprehensible. The American people deserve the whole truth, and nothing but the truth.

The second myth concerns the belief that either the government or private industry will absorb the increased cost of energy and the increased cost of improving the environment. Increased costs will eventually be passed on to the consumer in the form of

higher prices or in higher taxes if the government assumes added responsibility. A private company cannot be forced to cut profits to the point where it can compete neither in the money market nor as a money-making device for its owners. People invest in private industry that pays the highest return. Likewise, the government has no choice but to raise taxes or go further in debt when faced with additional financial commitments.

The third myth is that risk capital will continue to flow into operations where the rate of return plunges. Obviously, it will not. Again, money will go where the rate of return to the potential investor appears to be worth the risk of failure. As oil and gas becomes harder to find, the need to increase the incentive for risk capital to look for more oil and gas will also increase.

There is no question in my mind that oil and gas exploration must be increased. The number of "wildcat" wells drilled in America has been on the decline since 1956, reaching a new low in 1972. Yet, 48 percent of the estimated discoverable oil and 63 percent of the gas reserves have not yet been found and developed. We need more not less exploration, because the oil and gas that will be here when we need it is oil and gas produced in this country.

Fundamental to this concept is that the federal government should do nothing which will impede exploration, and should do every reasonable thing to encourage exploration. We must determine the extent of our untapped oil and gas reserves as quickly as technology permits.

The fourth myth that should be examined is that the United States can depend on "cheap foreign oil" to supply its energy needs. The fact is there is no "cheap foreign oil". Middle East oil is bubbling to the surface in a seller's market. The price we pay for that oil, if we can get it, will be high indeed. Unlike our Japanese and European friends, we do have alternatives. We can gradually get away from reliance on foreign oil by encouraging a strong, viable domestic energy.

I believe the same great American technology which developed oil and gas can bring us better ways to use coal, uranium, oil shale, solar and geo-thermal power and other types of energy.

The fifth myth is the panacea many Americans see in mandatory distribution programs. A mandatory allocation of fuel simply distributes the shortage: not one single gallon of new oil or gas is produced. This does not mean that mandatory allocation should not be considered.

I am saying that it should not be built up in the public mind to do more than it actually can accomplish. Furthermore, we must selectively choose which fuels to allocate, and only allocate them during times of genuine shortages. An excellent example of bad timing in allocating fuels is the propane situation. Congress gave the President the power to allocate propane in April; the Administration finally started talking about propane allocation in July. They failed to hold hearings until September 7, promising a decision by September 18.

The Nixon Administration could have acted on August 15 with no problem; mandatory allocations could still have helped if the decision had been made September 10. By waiting until the eleventh hour, mass confusion has permeated the entire State. For months no one knew what was happening. Propane suppliers were holding onto their fuel.

The State government was afraid to act for fear of federal action. Meanwhile, thousands of school children in my District face the possibility of not being able to attend school for part of the year, and hundreds of farmers and businessmen in my District face critical shortages. I, for one, cannot tolerate

this suffering caused by needless administrative bungling.

The sixth myth reasons that by controlling gasoline prices the energy picture will improve. Hardly anyone could still seriously believe this after viewing the disastrous failure of Phase III and Phase IV controls. Controls have not only created a nightmare for independent service station operators but have confused the entire industry and public and have actually compounded our immediate energy problems.

The seventh myth is that government regulation breeds sound energy policies. Twenty-seven years ago when I came to Congress, I felt that the oil and gas industries of this nation were over-regulated; I still feel just as strongly about it today. Government interference has been allowed to go too far; to foul up too many prospective solutions to energy problems. It is all but dishonest to set prices too low, encouraging excess demand that cannot be met at reasonable prices. I have long felt that natural gas should be de-regulated; legislation for this purpose has passed the House on at least two occasions only to be vetoed. The de-regulation of natural gas at the wellhead could greatly boost major secondary recovery projects and give us an idea of just how much gas really exists.

These myths must be explored and exploded. Their lingering residue in the minds of Americans only impedes our progress. Myths must be replaced with facts carefully woven into an overall energy strategy.

A national energy strategy is absolutely essential to unite the efforts of every department of government and show the American people we are not approaching the problem in a piecemeal way. People, by nature, are more willing to take bad-tasting medicine if they are honestly convinced they are doing it for a purpose. This sense of national purpose is urgently needed.

At the present time the Administration is running in fits and starts, staggering through a maze of contradictory policies. To continue dillydallying with a problem of such paramount importance flies in the face of sound reasoning and good government. Indecision and contradictory decision-making have already jeopardized the livelihood and comfort of thousands of people.

One approach recommended for developing a national energy strategy includes the establishment of a three-man energy council, responsible to both the Administration and the Congress. The council's duty would be to prepare a national energy strategy, taking into account the many and varied factors that are closely allied to our energy situation.

Absolutely essential to a sound energy policy is a strong foundation built on three important unknown factors: The potentials of domestic exploration, the determination of a tolerable level of imports, and the projection of energy capabilities. Once we decide exactly how far we can go in all three areas, then we can move rapidly toward developing a national energy strategy.

Also essential to sound energy policy is a careful balancing of all interests.

We must strive for a balance between government proposals for energy and freedom of companies to operate.

We must strive for a balance between the natural drive for profits and a company's obligations to the public.

We must strive for a better balance between the cost of energy to the consumer and the risk of shortages to the consumer.

We must strive for a better balance between energy and the environment. The delays tolerated in authorizing and building the Alaska Pipeline are unconscionable. While I continue to support our efforts to improve our environment, I do not believe we can afford to trade our domestic output

and standard of living for "nothing but blue sky".

While the mills of Congress, like the gods, grind slowly, Congress has not been altogether idle in the energy area.

Congress stands like the hub of a wheel, surrounded by the discordant spokes of divergent viewpoints: the views of conservationists, environmentalists, business interests, labor interests; national security interests, foreign relations and exchange interests, consumer interests, and independent and antitrust interests—all have their advocates in and impact on the Congress. But the Congress has moved—if slowly. It has authorized the Alaska pipeline. It is going to authorize the construction of deepwater ports. It is continuing its longstanding efforts to encourage increased research—a recent study of "Energy under the oceans" by the University of Oklahoma is an excellent example of direct Congressional initiative in this area.

The Congress does not operate in a vacuum; therefore resolving energy problems—and all other problems—is troublesome, difficult, exasperating, protracted, political, as well as economic and argumentative.

Congress has quickly learned there are no easy answers to energy problems; nevertheless answers must be found. In spite of all this, and of all the other problems which beset our nation, America is still alive and strong. We can repeat what Will Rogers said 40 years ago, that despite all its economic problems, America is still doing pretty well.

The energy crisis is, of course, upon us. The problems presented are hard, but they are also the measure of our opportunity. Mankind has reached its present state of development, not because man has not faced difficulties but because he has overcome them.

I am optimistic that if we make decisions now, we can strengthen our national fiber, the effectiveness of our government, the standard of living of our people, and the overall strength of our nation.

I expect Oklahoma to play an active and constructive part in this national challenge.

#### COPPER EXPORT LIMITATIONS ACT OF 1973

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

Mr. TIERNAN. Mr. Speaker, today, I am introducing the Copper Export Limitations Act of 1973.

Last week the House Armed Services Committee began consideration of various bills which would permit the disposal of over 250,000 tons of copper from the national stockpile. I strongly favor such a disposal.

However, one problem immediately presents itself when we consider such a disposal. Will the copper disposed of from the stockpile be used to fulfill domestic needs or will it be exported to serve the needs of foreign competitors?

Presently there is a copper shortage in the United States. This shortage has caused cutbacks in production at fabricating plants across the country. Yet during the first 8 months of 1973 copper scrap exports were up 82 percent over the same period in 1973. We should be assured when any disposal is made from the copper stockpile that our domestic needs are satisfied before any copper is exported from this country.

At the heart of the copper problem is

the fact that the price of copper in the United States is frozen at 60 cents per pound while the world market price is nearly 90 cents per pound. It is easy to see that foreign companies would like to purchase all of the copper which they can from the United States. Because of the large price differential these companies are willing to pay much more for copper than our domestic manufacturers are allowed to pay under the terms of the price freeze.

The Cost of Living Council and the Secretary of Commerce have refused to address the problem of the 30 cents per pound difference in the price of primary copper. Therefore, I am introducing a bill which would direct the Secretary of Commerce to limit exports of copper from the United States during months when disposals are made from the copper stockpile or when price controls are in effect and the U.S. price is significantly below world prices.

If enacted the bill would give the Congress some assurance that the administration has examined our domestic needs for copper before allowing any copper to be shipped overseas.

#### A WAY OUT

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

Mr. RONCALIO of Wyoming. Mr. Speaker, this Nation is confronting extraordinary problems which will require extraordinary solutions.

This morning's Washington Post contains an excellent article by David S. Broder with unprecedented proposals for an unprecedented situation.

In this time of crisis, we need new thinking and I therefore recommend the following article as must reading for every Member of the House of Representatives:

#### A WAY OUT OF THE NIXON-AGNEW CRISIS

(By David S. Broder)

The extraordinary crisis at the heart of the American government requires an extraordinary remedy. This column discusses one possible solution.

First, a word as to the nature of the crisis. A two-sided civil war is being fought within the topmost ranks of the executive branch, which the combatants maintain is beyond the reach of the judiciary to mediate, and which the legislative branch thus far refuses to attempt to resolve.

On one front, a special prosecutor, armed with the powers of the Attorney General, is seeking to compel the President of the United States to turn over evidence, in the form of tapes, which may implicate the President's former top aides and perhaps the President himself in criminal acts.

The case is before the courts, but the President has strongly suggested that he doubts the authority of the judicial branch to enforce a judgment against him.

Meantime, the Justice Department is presenting evidence of separate allegations of criminal activity against the Vice President, who charges that on both constitutional and political grounds, the grand jury and the courts are incompetent to judge him.

The President has sought to terminate a congressional investigation of the case in

which he is involved, while the Vice President, taking exactly the opposite tack, is seeking a congressional inquiry into the merits of his case. However, neither the flagging Senate investigation of Watergate nor the still-born House investigation of the Agnew case promises speedy resolution of the crisis through the one constitutional remedy available to Congress—impeachment.

Thus, this beleaguered democracy—still reeling from the wounds of its most unpopular war and the ravages of unchecked eight-year inflation—now confronts a crisis at the center of its government for which no solution is apparent.

Yet it is almost intolerable to think that the nation must endure three years of warfare and mutual vilification among the leaders of the government. Personal pride and institutional parochialism simply cannot be allowed to wreak vengeance on a paralyzed America.

A solution—first suggested, to my knowledge, by American University graduate student Joseph Felter at a seminar with this writer on Oct. 1—may be for the sovereign states which created the nation to act now to rescue it.

The suggestion is that the governors of the 50 States convene in special session for the single purpose of recommending a person to assume the presidency until 1976, with the understanding that he will not be a candidate for the office in that year.

My strong hunch is that if such a meeting were held, the Democrats who hold 31 of the 50 governorships would ignore partisanship in this time of crisis and recommend for the presidency, the most senior man in the ranks of governors, and the most broadly respected, Republican Nelson A. Rockefeller of New York.

The next step in arranging for his succession would be for the governors to petition the House of Representatives to elect Rockefeller as Speaker. A Speaker may resign at any time, and the occupant of the office—by Constitution and law—need not be a member of the House. The governors could count on strong public and editorial support for their petition, support which politically sensitive congressmen would not ignore.

Should Democrat Carl Albert make the sacrifice of stepping down from his post, the third most powerful in government, it would be a powerful prod to the Republican President and Vice President to do likewise.

A bipartisan House vote to elevate Rockefeller to the Speaker's office would signal the House's will as clearly as a vote of impeachment—yet with far less bitterness and delay. Under such circumstances, the President and Vice President could resign without seeming to admit guilt—and would, in my judgment, be under a powerful compulsion to do so.

Speaker Rockefeller would then become President and would have the opportunity to designate, with the approval of the Senate and House, a Vice President, who, like him, enjoyed broad public trust and who was willing to renounce his own candidacy for any office in 1976.

Through such a process, the new President would be compelled before taking office to give the proper assurances about his exercise of power to the leaders of the states, to the Congress, to the last elected President and Vice President and to the future aspirants for those offices.

The interests—and honor—of all of them would be protected, and the nation would be rescued from what seems an endless agony.

There is no need to underline the practical difficulties and political suspicions that would beset such a course; they are obvious. But the American people deserve better than the chaos that threatens in Washington today, and the governors have it in their power to attempt the rescue effort.

#### THE IMPENDING WHEAT SHORTAGE

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 30 minutes.

Mr. JONES of Oklahoma. Mr. Speaker, American consumers and food producers alike are viewing with increasing alarm the possibility that our Nation may be facing a severe wheat shortage in the forthcoming year. During the August congressional recess, many of my friends and neighbors in Oklahoma's First Congressional District spoke to me and asked what the Congress and the administration were going to do to assure a continued adequate supply of wheat products for our citizens.

On September 11, I personally wrote Secretary of Agriculture Earl Butz to express my own concern, and that of my congressional district, over the high export level of this year's wheat crop, and the resulting effect this may have in creating shortages of wheat to supply domestic needs.

Apparently the concern over this problem is not nearly as great down at the Agriculture Department's headquarters. The Department's response, after a 2 1/2 week delay, indicates the Secretary sees no compelling reason related to national security or humanitarian needs for restricting the recent massive level of wheat exports.

Fortunately, the Secretary's philosophy on this subject, as conveyed to me through what seems to be multiple levels of spokesmen, representatives, assistants and staff, is not shared by some of the more knowledgeable experts on our farm economy, nor by farmers themselves.

In Monday's Tulsa World, farm editor Herb Karner reported on a firsthand survey he has made of prevailing attitudes on USDA policies. As a result of personal interviews throughout the Nation's farmland, Mr. Karner states:

There appears to be a growing erosion in confidence of the USDA as a farmers' agency. There is growing cynicism that USDA and the Secretary of Agriculture are purely arms of the administration and that USDA farm policy is shaped to fit political consideration rather than the welfare of farmers.

In the Department's response to my September 11 letter, the 1973 wheat crop is optimistically predicted to be so large as to provide a carryover stock to next June of over 300 million bushels. It is precisely this misleading type of information which has encouraged exporters to oversell, and Mr. Karner goes on to point out in his article, the result may very well be that—

This country will enter the new year with the lowest carryover of wheat since 1952.

Mr. Speaker, I personally feel Herb Karner has hit the nail on the head when he cites as a reason for this overly optimistic crop reporting, the hope of the Department—

To forestall export controls which the United States badly needs, and to hold down the price of grain.

Mr. Speaker, it is my intention to send one more letter to the Secretary on this

subject, and I am hopeful that he will at last be able to give some of his own very valuable time to this inquiry in behalf of a significant number of Oklahomans. I plan to ask the Secretary to respond, in the type of plain and simple language all Americans can understand, on what his Department and the administration is doing to assure an adequate domestic wheat supply for the year ahead, what methods he is utilizing to assure this supply, and whether he and the President will personally accept the responsibility for the lack of an adequate supply if a wheat shortage for domestic consumption comes to pass.

I believe the American people are entitled to clear and unequivocal answers to these questions. Certainly there will be no misunderstanding in their minds as to the causes of a wheat shortage if, in the next several months, they can no longer obtain, or even afford to place a loaf of bread on the family table, and I believe our citizens deserve responsible action now to avert just such a situation.

Mr. Speaker, if the Agriculture Department and the current administration fail to give these assurances of a continued adequate domestic wheat supply, there will be little alternative left but for the Congress to enforce temporary export controls. This is a step that I know many of my colleagues will regret undertaking, and I share this feeling as a result of my own desire to foster a favorable trade balance for our Nation, and to assist the people of less fortunate countries whenever our own resources permit. I do not feel it is responsible, however, to allow a shortage to develop without making every effort possible from both an administrative as well as a legislative standpoint, to avert such a crisis. For this reason, I will seek support from my colleagues for enactment of strong export controls in the event the administration's policies continue to be as vague and unresponsive to the people's needs as they have been demonstrated to be in the past.

It is not too late for the mistakes to be corrected, and I urge the Secretary and this administration in the very strongest terms, to take the necessary steps using the tools the Congress has already provided, to meet their obligations to the American consumer.

I want to be clear that I am not for isolation. I am for free and open world trade and the United States being an active participant in the world markets.

I recognize fully that agriculture is among our best export commodities. I recognize that temporary export controls on wheat or any item possibly will lead to a drag on our balance of payments situation, but I also fully recognize and am aware, as a result of meetings throughout my congressional district, that the No. 1 issue in the country today is the state of the economy, specifically the continuing rise in inflation and the shortages of critical products, particularly food products.

There are very few things that are more important to the consumer and the family in the United States than to be able to put bread on the table for an American family.

The leading farm editor in our part of the country, Herb Karner of the *Tulsa World*, and several representatives from the baking industry have told me that they totally disagree with the statistics on the availability of wheat for domestic consumption in the coming year. They totally disagree with those statistics as put out by the Department of Agriculture.

I am told that if the statistics as put out are correct, it will lead to a shortage of necessary supplies to the baking industry.

If that is the case, it will mean a shortage of bread next year, and perhaps a nickel or a dime increase in the price of bread to the point that we are going to be paying more for a loaf of bread in the United States than a similar citizen of the Soviet Union has to pay for a Russian loaf of bread, which is made with American wheat.

All I am asking the Secretary of Agriculture to do is to put in plain language assurances to the Congress and to the American people that he and the President of the United States will take every step necessary to insure that we do not have a shortage of wheat in this country in the coming year.

It is great to talk about foreign trade. It is great to talk about giveaways. It is great to be generous to the rest of the world. But if this economy cannot remain strong, if we cannot provide the essential products for all of our citizens, then all of the giveaways and all of the foreign aid will be for naught. I think we have to start working to energize our own economy first, and take care of our own citizens first.

I urge my colleagues in the House to join me in forcing the administration and the Secretary of Agriculture to give us some plain answers to this very important question.

Mr. Speaker, I include at this point an article by Herb Karner entitled "Food Production Farmer's Concern."

#### FOOD PRODUCTION FARMER'S CONCERN

(By Herb Karner)

A week-long swing through the cornbelt has confirmed a long-held belief that state, regional and national lines of demarcation have largely disappeared as far as farming is concerned. No longer are the problems of Oklahoma wheat farmers, solely their concern—they concern the Illinois corn grower as well. No longer is what happens in Iowa cattle feedlots their worry alone—it affects Oklahoma ranchers. And, what happens collectively in the U.S. is the direct concern of other nations of the world.

The total concern of agriculture is the production of food. That's it—one word—food. And it makes little difference where it is produced, the factors that affect food production in one locality, affect it in others. Some of those factors are weather, prices, politics and management decisions based on those basic factors.

This is the second major backgrounding trip Fence Talk has undertaken this summer and fall. The first was through the Great Plains. We're anxious to know what farmers and ranchers are actually thinking, what they are planning. We are particularly cautious in our approach. We want the honest thinking of farmers. We want to know their attitudes toward current farm policy. We are extremely careful to sort the "hand-fed gov-

ernment line" from reality. It's easy to visit with a farmer if he is convinced you really want to know the truth about what he believes is happening.

What is happening? For one thing, there is a growing number of younger farmers who are extremely capable business managers—many are college trained. And it's not so surprising that the sharpest are not trained in a specific discipline of production agriculture, that is, animal husbandry, or agronomy, but are schooled in economics or business management. These young farmers range from the early 20s to the mid-30s. And we've detected in a growing number of all farmers a greater awareness that they really know what is going on nationally and internationally that affects their business. And they're going to do something about it.

What are they going to do? It appears to us that farmers are not going to give up the advantage they have of being in control. They are not going to follow the USDA advice to overproduce so that consumers can have cheap food, and the government can have plenty of produce to export to help in the balance of payments.

There appears to be a growing erosion in confidence of USDA as a farmers agency. There is growing cynicism that USDA and the secretary of Agriculture are purely arms of the administration and that USDA farm policy is shaped to fit political considerations rather than welfare of farmers. It's this lack of confidence in government that makes farmers believe they must control their own affairs.

An example: USDA estimates this past summer forecast total wheat production at 1.9 billion bushels. Based on this information, exporters may have oversold and, as a result, this country will enter the new year with the lowest carryover of wheat since 1952. USDA estimates the current corn crop at 5.7 billion bushels. Cornbelt farmers grin. They're convinced that this is deliberately overestimated, and that the total yield will be several billion bushels less. They believe the crop has been overestimated by USDA to forestall expert controls which the U.S. badly needs, and to hold down the price of grain.

Whether this comes to pass remains to be seen. The point is that farmers of the cornbelt simply do not believe USDA estimates on corn and soybeans, and point to wheat estimates as proof of their suspicions. This has a direct bearing on what happens in feedlots. If corn and soybeans continue to increase in price—and all predictions point this way—many cornbelt farmers will sell their grain and not feed cattle, many of which come from Oklahoma.

Thus, you have a class of farmers in the cornbelt and wheatbelt who know the prices on the commodity market on the hour (See Rod Turnbull's column, "Farm Grain Prices Hit Historic High"). They know the price of cattle in Oklahoma by the hour. They know Oklahoma (and Texas, Kansas, New Mexico) weather conditions. They credit The American National Cattlemen's Association marketing data called "Cattle-Fax" as one of the greatest tools a farmer can have for keeping abreast of the cattle situation. They have airplanes, radio phones and leased wires. They know what the score is. And they are playing a waiting game.

Farmers know the name of the game is food production. And they are willing to produce food. At last they are in a position to do it at a profit, and they're not about to knuckle under. As one crusty Iowa farmer-stockman said, "By God, for the first time farmers have a chance to prove they're grown up and can handle their own affairs. If they give in to Earl Butz' demands to go all out and overplant, just so we'll have a surplus and consumers can have cheap food, and the bottom falls out of the farm price

structure, well, by God, they deserve it, and I won't feel sorry for a single one of 'em."

Time will tell if farmers and ranchers have really learned that it's more profitable to have fewer bushels at a greater price, than to have more bushels at a lower price. Same thing applies to cattle—current beef prices are down for the simple reason that cattle held off the market continued to gain weight—the price freeze did not cause these cattle to disappear. Current figures show that there are more cattle in feedlots than ever. Faced with increased grain costs, commercial feeders say they are losing up to \$100 a head on fed cattle. What's going to happen? Something we've predicted for years—if the beef industry is to survive, we'll be eating grass fed cattle in the future. This, too, remains to be seen. At any rate, farming is changing rapidly. So fast that many farmers and ranchers fail to realize they are in a changing world. We'll try to keep you posted because not only does this affect farmers, it affects consumers, and that's all of us.

MR. TIERNAN. Mr. Speaker, will my distinguished colleague, the gentleman from Oklahoma, yield?

MR. JONES of Oklahoma. I yield to the gentleman from Rhode Island.

MR. TIERNAN. Mr. Speaker, I wish to congratulate my colleague for taking the time to address himself to this important issue. I would like to join in the remarks of the gentleman, and I also would like to proceed further at this time, because I think his position and the statement he is making is extremely important.

I believe it is one that has been overlooked by many in the present administration, because we are going to have serious problems in the year ahead as a result of the policies the present Secretary has been carrying out.

I wish to thank the gentleman for yielding.

#### THE 365TH ANNIVERSARY OF FIRST POLISH IMMIGRANTS ARRIVAL IN JAMESTOWN, VA.

THE SPEAKER pro tempore (Mr. McCAY). Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 30 minutes.

MR. DERWINSKI. Mr. Speaker, this afternoon, I direct the attention of the House Members to the fact that Monday, October 1, is the 365th anniversary of the arrival in Jamestown, Va., of the first Polish immigrants on this continent. The historic event is being commemorated across the country by Polish-American organizations.

I am very gratified by the cooperation of so many Members of the House who have joined me this afternoon in commenting on this historic occasion.

As we approach the Bicentennial year of our Nation, I am hopeful that there will be a vigorous, sustained interest in the history of our country. All of us recognize the great contribution that immigrants have made over the years to the building of America. We also recognize the very unique development of American culture in which the contribution of diverse peoples have been effectively integrated into the American way of life.

The first Polish settlers arrived at Jamestown, Va., predecessors of hundreds of thousands who left Poland to

seek an opportunity in the new world and to enjoy the freedom that has become America's trademark throughout the world.

In commemorating the arrival of the first Polish-American settlers, I encourage all Members to take note of the major historic milestones in their States, and to give special recognition during the Bicentennial period to all the settlers who have contributed to the growth, vitality, and greatness of our Nation.

MR. SPEAKER, I would like to make note of the fact that the Polish-American Congress, headquartered in Chicago and under the leadership of Aloysius A. Mazewski, has been most cooperative in providing historical background information on the arrival of the first Polish immigrants 365 years ago.

MR. YATRON. Mr. Speaker, this past Monday, October 1, 1973, marked an extremely important anniversary for Americans of Polish descent. For 365 years ago the first Polish immigrants to this continent arrived in Jamestown, the first colony of England, in what is now the State of Virginia.

Accordingly, since these earliest days of America, the Poles have contributed much of their rich cultural, historical, and spiritual heritage to this land. In the development and continuing promise of our country, Polish-American citizens play a vital role.

Therefore, the beginning of Virginia also marks the beginning of the history of Polish emigration from Europe to this country. To some degree, Poland influenced the founding of the oldest English colony in America.

These pioneers of American history emigrated from England to Jamestown in 1607. One year later, in October 1608, the Poles appeared with the second supply engaged by the Virginia Company as experts and instructors in the manufacture of glass and pitch, tar, and other products which Poland exported to England.

Immediately after their arrival, the Poles started their work. They built a glass furnace and cut down the first trees for wood manufactures from which they were able to send to England the first products of American industry.

Capt. John Smith, famed leader of the Jamestown colony, warmly welcomed these first Polish immigrants to America not only because they were what Jamestown needed most—skilled workmen—but also because he knew them as representatives of a sturdy, industrious, liberty-loving nation.

John Smith had reason to respect and admire the Poles for only a few years earlier, in Christian Europe's wars with the infidels, he had been captured by the Turks and led into slavery. All of southeastern Europe was then held by the Mohammedans and the first Christian sanctuary the fugitive found was in Poland. In the book he later wrote, entitled "The True Travels," John Smith describes how he crossed Poland, aided every foot of the way by the people who he said were unmatched in his experience for "respect, mirth, content, and entertainment."

Surprisingly, this handful of Polonians to whom John Smith later gave credit for saving the Jamestown colony—thus insuring that America would develop as an English-speaking nation—were not Englishmen at all. Their names were Michał Lowicki, Zbigniew Stefanski, Jur Mata, Jam Bogdan, Karol Zrenica, and Stanisław Sadowski—and they landed in America 12 years before the Mayflower.

It is proper, therefore, for us to engage in the commemoration of the 365th anniversary of Polonia in America today. This early Polish contribution to America gives us a better understanding of our heritage and helps us to appreciate the principles which should guide us in our endeavors through the years to come.

As the Polish-American community in my congressional district undeniably illustrates, the entire history of our Nation, and the record of the early colonization of the New World, contains ample evidence that men and women of Polish blood contributed their toil and talents to the settlement of our great Republic.

These facts, Mr. Speaker, should be remembered by all of us and we should take pride in them. We should be equally proud of the countless other men and women who came to this land from Poland in the decades and centuries that followed the settlement at Jamestown, helped to conquer the wilderness, and to build the American Nation upon this continent.

In these days of fast-moving events, it is necessary to pause and reflect on our proud heritage and to draw strength and inspiration from past accomplishments. Today's observation of the 365th anniversary of the first immigrants of Poles to America is certainly a day for which we can all be proud.

MR. RINALDO. Mr. Speaker, October 1, 1973, marks the 365th anniversary of an important event in the history of the United States: the arrival of the first Polish Americans in what is now our country.

Poland in the 16th and 17th centuries was wrapped in a turmoil and ferment highly conducive to freedom of thought and freedom of movement by Poles throughout the continent of Europe and, later, beyond to America. We have records of numerous Polish craftsmen, merchants and soldiers of fortune who traveled widely, offering their respective skills in places they were needed. Although there are persistent traditions that a Pole named Francis Wernadowicz accompanied Columbus on his first voyage, the first documented evidence of their arrival has been established at Jamestown in 1608.

Jamestown was not the first English colony on the continent of North America. In 1585 Walter Raleigh had founded a settlement at Roanoke Island off the coast of North Carolina, the well-known "Lost Colony." Forced to rely on its own devices due to the war of the Spanish armada, it disappeared completely; the fate of the inhabitants remains unknown. The London Co.'s settlement at Jamestown seemed headed for a similar fate in the summer of 1608. Implanted the year before, it numbered among its

hundred members only 12 craftsmen possessing practical knowledge. The others classified themselves as gentlemen, ignorant of even the most fundamental tasks necessary for survival. While these gentlemen panned for gold, hoping to get rich quick, such vital tasks as erecting weathertight housing were totally neglected. The winter of 1607-8 took a terrible toll of the company, and spring saw only 50 of the original settlers still alive.

The London Co. was dismayed, not only by the severe attrition rate, but also by the fact that no profits were forthcoming from the colony. They took steps to recruit settlers of a different sort, men who had practical knowledge to offer. On October 1, 1608, the second group of reinforcements to arrive in the new year anchored off Jamestown aboard Capt. Christopher Newport's ships *Mary* and *Margaret*. Among the new arrivals was a small group of Poles, few in number, but important to the future of the colony because they were skilled craftsmen rather than gentlemen adventurers. For the first time Jamestown had such vital skills as glassmaking, carpentry, and pitch and tarmaking, skills which soon demonstrated their importance to the future of the colony. Polish carpenters supervised the construction of the first substantial housing yet constructed by the settlers, while another Pole organized the labor necessary to sink the first well in Jamestown, replacing the river water used before. This provided clean and pure water, a simple step that greatly reduced the number of sick during the following winter. The scattered piney woods yielded their bounties to the Polish naval stores experts, and in time, shipments of pitch and tar became the most profitable export of the fledgling settlement. Others among the new colonists set up a glassworks, the first to operate in which is now the United States.

The value of the Poles at Jamestown was recognized early by Capt. John Smith who was later to write the following words in the narrative of his years in Virginia:

Adventurers never did know what a day's work was, except the Dutchmen and Poles and some dozen others. For all the rest were poor gentlemen . . . more fit to spoil a commonwealth than either to begin one or to help maintain one.

Smith spoke from personal experience when praising the virtues of the first Polish Americans. One afternoon the year after their arrival, he was ambushed by an Indian who feigned friendship while actually planning to murder him. Smith was wrestled into a deep stream, where, weighted down with armor, he was at a severe disadvantage. At this moment, two of Jamestown's Polish settlers came along the path, saw the Captain's predicament, and came to his rescue, saving the life of the one man who had been able to pull the colony together.

The Polish group of Jamestown grew and prospered with the colony, eventually numbering about 50 out of the 1,000 men and women in Virginia. The successful growth of the settlement prompted the London Co. to extend a

measure of self-government in 1619. An elected legislative assembly, the House of Burgesses, was formed, the first democratically chosen body in North America. A major flaw in the new charter was soon revealed, however. Polish settlers, not being English subjects before their arrival in America, were excluded from any part of the new government. Angered at this discriminatory action, the Poles went on a work stoppage until they were promised equal rights with settlers of English origins. The glass and soap factories shut down, operations at the tar and pitch distillery came to a halt, and the London Co.'s profits dried up. Fearful of the consequences of an extended strike, its directors authorized the Governor to grant the same privileges to Polish settlers as to English. The "Virginia County Court Book" for the year 1619 has the following notation:

Upon some dispute of the Polonians resident in Virginia, it was now agreed (notwithstanding any former order to the contrary) that they shall be enfranchised and made as free as any inhabitants there whatsoever . . . ."

It has been 365 years since this small group of Polish colonists set foot on our shores. They did not know what the future held for them, but they willingly went ashore, hopeful that they would find a better life for themselves in the New World and in time they made vital contributions to the infant colony at Jamestown. In this way they served as forerunners for the millions of Polish Americans and other immigrants who would follow them in succeeding centuries, whose dedication to the prospect of finding a new life would enrich and enlighten America.

Mr. BIAGGI. Mr. Speaker, I am pleased to join with my distinguished colleague from Illinois (Mr. DERWINSKI), as well as others in the House in commemorating the 365th anniversary of the arrival of the first Polish immigrants on U.S. soil.

The Polish-American community from the outset has contributed much to the American Nation. Historians have shown that the Poles in those early days in the Virginia colonies were the stalwarts behind the successful establishment of this colony.

During the turbulent period of the American Revolution, the Polish community contributed to the defense of our new Nation with such distinguished military heroes as Gen. Casimir Pulaski, who led the successful siege of the strategic city of Savannah, a siege which resulted in Pulaski's death, but helped establish freedom for America.

As we rapidly approach our bicentennial celebration in the United States, let us pay tribute to the accomplishments of the Polish American. Their influence has been felt in such fields as science, technology, and politics and has earned them the respect of all Americans. Let us in the coming years strive to achieve better cooperation between all Americans, so that 1976 can truly be an American celebration.

Mr. FLOOD. Mr. Speaker: "They are," said Napoleon at St. Helena, speaking of

the Polish nation, "a brave people," a judgment founded upon suffering courageously borne and oppression fiercely resisted during the long struggle for Polish independence. We are recalling today the arrival in this land of the vanguard of that people, millions of whom have come to America since that first day in 1608—some 365 years ago.

In commemorating the arrival of Polish settlers in the Jamestown, Va., Colony, we are recognizing the long, proud record of service to our Nation rendered by those who came from Poland: today there are approximately 10 million Americans of Polish derivation, whose contributions to this country have been immeasurable, contributions reflecting the character of the Polish people through the centuries—decent, God-fearing, hard-working. In a time of widespread unrest and cynicism, it is reassuring to recall the elements of strength which the Polish American has brought to the American scene.

It is refreshing to note that the first Poles actually set foot on American soil a dozen years before the landing of the *Mayflower*. Their role as experts and instructors in the making of glass, pitch, tar, soap ash and other products—which Poland then exported to England—made him invaluable to the London Co. and to Capt. John Smith of the Jamestown Colony.

Smith's life was dramatically saved by the Poles at Jamestown in 1609 during an Indian ambush, and his praise of the Polish settlers was reported to London: they and the Dutch, he asserted, were the only ones in the Colony who knew "what a day's work was"! Smith himself had travelled widely in Poland among a people unmatched in his opinion for "respect, mirth, content, and entertainment." One might find these same qualities evident today in Polish-American communities.

The determination of those early Polish settlers to enjoy equal rights and full freedom is well known. In 1619, when the Virginia Co. granted limited self-rule and an elected assembly to colonies of English descent, the disfranchised Poles were indignant and refused to work until their collective protest won redress. In July of that year they were successful, and were "enfranchised and made as free as any inhabitant." Not only was this the first work-stoppage or strike in America, and the first blow for civil liberty, but it foreshadowed the later struggle of all the colonists for representative government. It is a noble beginning in what became the inspiring saga of Polish immigration in America.

The joys, the arts, the history, and the unique identity of Polonia have greatly enriched all our people. Above all, the traditional Polish respect for the family and the home, allied with a deeply felt religious faith, have provided something of inestimable value in our National life. In return, Poles have found political and religious freedom as well as intellectual and material advancement. Their loyalty to and sacrifices for America are a part of our common heritage, and in commemorating their presence at the Jamestown Colony we find a continuing inspiration.

Mr. RODINO. Mr. Speaker, today we honor the Polish Americans, a people whose contributions to our country have been valuable and plentiful from this Nation's inception. The Polish-Americans have been a source of strength from our struggling colonies' humble beginnings, consistently fighting for and defending America's freedom.

As early as 1608 people of Polish blood immigrated to Jamestown and became intricately interwoven in the lifestyle of the colonies. These early pioneers were considered expert craftsmen and instructors, contributing talents and toil, transforming our virgin soil into what is now a great industrial nation.

The Polish-Americans' dedication from earliest colonial times is something to be proud of and certainly deserves recognition. And, the people of Polish ancestry are today a thriving, enervating and important part of American culture.

As we approach the Bicentennial celebration, let us be cognizant of the diversity of all ethnic groups whose rich heritage and culture were vital forces in making America the great country it is today.

Mr. HUNT. Mr. Speaker, I am indeed pleased today to have the opportunity to address myself to the contribution made by citizens of Poland who came to our country 360 years ago.

When those first few settlers came to our country in the early 1600's they had to endure severe hardships. The winter was particularly severe, and many starved. What may have been worse, however, was the disorder that reigned. Most of the English who were in the group were "gentlemen," accustomed to the easy life.

But because of the circumstances, it was necessary to have instructors in the manufacture of glass and pitch, tar and other products. At that time these products were imported by England from Poland. Because the Poles had knowledge of these products they accompanied the early settlers.

The Poles arrived, and they were determined to work. Unlike their English counterparts, they deserved the praise of Capt. John Smith.

The five Poles in the group lent their talents and energies to the settlement of North America, and to the birth and development of our great Nation.

From that time on, countless others have come to our shores from Poland. We have good reason to be proud of the men and women who have followed. Today, the cultural, historical and religious heritage of Poland plays an integral part in the continuing development of our great land.

We have more than 4 million Poles in our country now and we owe them a debt of thanks and gratitude.

Mr. ROSTENKOWSKI. Mr. Speaker, it was September 1608, and two devastating Virginia winters had wiped out over 60 percent of the first Jamestown settlement. Capt. John Smith, a frustrated yet hopeful leader welcomed a second group of pioneers who arrived in search of a new life. Six members of this second contingent were Polish tradesmen—men, who because of their expertise and perse-

verance were able to manufacture articles of glassware, the first products of American industry. This handful of Poles thus formed the industrial backbone of the young settlement.

Unlike the country English gentlemen who had arrived to find immediate fame and fortune, the Poles were aware that such was not the case in a new land. Captain Smith was overheard to say, "They," referring to the colonists in general, "never did know what a day's work was except the Dutchmen and Poles."

This tradition of hard work and deserved respect of their peers has perpetuated itself throughout the last 300 years. Today, the Polish population in America enjoys a position of well-earned prominence and importance, which began more than 10 years before the landing of the *Mayflower*.

This occasion, the 360th anniversary of the arrival at Jamestown of the first Polish immigrants, is a special day. It is with great pride that I rise before my colleagues here on the floor of the House of Representatives in order to pay tribute to all my fellow Polish-Americans and their courageous ancestors. For history has shown us the vital role which they have played in the development of our great Nation.

Mr. GERALD R. FORD. Mr. Speaker, I am pleased to join with Congressman Ed DERWINSKI and others of my colleagues in marking the 365th anniversary of the arrival in this country of the first Polish immigrants.

The story of how these first Polish immigrants aided in the establishment of the colony of Jamestown, Va., is a most colorful one. The industry and skill demonstrated by these Polish immigrants are such as to make all Americans of Polish extraction extremely proud. It is just such qualities which have made America the great land that it is.

The arrival of the first Poles in America was significant for a number of reasons—because it marked the beginnings of Polish immigration to this country and because the work done by these first Polish immigrants was essential in the survival of the Jamestown colony.

And so now we commemorate this event, even while we prepare to celebrate the 200th anniversary of our country's birth. It is an event that calls to mind all of the great contributions made by Polish-Americans to growth and progress in this Nation. Polish-Americans are among our most distinguished and hard-working citizens, and I welcome this opportunity to salute them.

Mr. MORGAN. Mr. Speaker, it is with special pleasure that I join in the commemoration of the arrival in October, 1608, of the first Poles to come to our land.

It has been my privilege to know many Polish-Americans in my district as friends and as outstanding citizens. Many Polish-Americans are prominent in our national life now. Their forbears have contributed much throughout our history.

It is fitting that we celebrate the landing at Jamestown, Va., of a small band of Poles more than three and a half cen-

turies ago. They sailed to America a dozen years before the *Mayflower*, and they played a key role in the survival of the first "English" colony in the New World.

Historians tell us that a year after Jamestown was founded in 1607, the Virginia Co. sent over about a half dozen Poles aboard the supply ship *Mary* and *Margaret*. The "Polonians," "Polackers," or "Polanders," as they are referred to variously in the earliest records, were experts in the manufacture of glass, pitch, tar and other products which England needed.

The Poles built a glass furnace, felled trees for wood manufacture, organized the production of soap, pitch, clapboards, and other building materials. They served too as stout defenders against hostile Indians. They were credited with saving the life of Capt. John Smith, the colony's leader, during an Indian ambush in 1609.

Captain Smith soon recognized the value of the Poles. He praised them, while scorning the "vagabond gentlemen" settlers who had come to Virginia in quest of quick riches and an easy life. Many settlers died in the famine and severe winter which beset the colony in 1609-10. Captain Smith asked for more hard-working, skilled Poles.

A decade later, the 50 or so Poles then living in Virginia struck a blow for liberty by demanding equal citizenship rights. They did so because they had not been granted the same voting and representation privileges as had been given to settlers of English descent.

The Poles employed a most effective weapon in behalf of their demand: they collectively shut down their industries, with telling impact on the colony's economy. They proceeded to win a settlement under which they obtained the right to vote and were made "as free as any inhabitant."

Mr. Speaker, these hardy men—true early Americans—were the first in what in later years became a stream of Polish immigrants to this continent. They and those who came after them have enriched our national life immeasurably.

Mr. ADDABBO. Mr. Speaker, this week, we are celebrating the 365th anniversary of the arrival in Jamestown, Va., of the first Polish immigrants on this continent. Sunday, in my home district in Queens, a parade will be held to commemorate the contributions of the Polish-American to our way of life. I would like to take this opportunity to add my own words of gratitude as we congratulate our Polish-American neighbors on this significant occasion.

Americans of Polish origin have contributed greatly to the American way of life, and continue to do so today. They have done this through their art, their poetry, their music and their cultural history, but mostly they have done it as so many other newcomers to this Nation have—through hard work.

That first winter in Jamestown was, the records indicate, a severe winter, and many of the first settlers died. But it was five Polish immigrants who built the first glass furnace on these shores, who organized the production of soap, pitch,

clapboards and other building materials which contributed so much to that early colony.

That pioneer spirit still lives. The Polish are famous for their artisans as well as for their pluck. And so it is with great pride in my friends and neighbors in Queens as well as throughout the Nation that I add my name to those who salute all Polish-Americans in this week of their honor.

MR. WOLFF. Mr. Speaker, it is indeed a pleasure for me to join in this special order to commemorate the 365th anniversary of the arrival of the first Polish immigrants on this continent, and I would like to commend my distinguished colleague from Illinois (Mr. DERWINSKI) for reserving this time for us today.

Many of us are familiar with the story of how the first Polish immigrants came to the new land, in October of 1608, landing at Jamestown, Va., a year-old struggling community. These first Polish immigrants were experts and instructors in the manufacture of glass and pitch, tar and other products, engaged by the Virginia Co. of London to begin, in effect, the first American industry. The diligence, talents and sheer hard work of these first Polish settlers soon had a strong and welcome effect on the little colony at Jamestown. These Polish specialists built the first glass furnace on the American continent, organized the production of soap, pitch, clapboards and other building materials, and contributed greatly to the success of the early English colony at Jamestown.

The kind of contribution made by the first Polish immigrants has characterized Polish Americans down through the history of the United States. When one mentions the Polish heritage, I think of a hardworking, good natured people with respect for and dedication to the principles that have made this country great. One remembers the story of those first Polish settlers who, when denied citizenship by an elite group of the Jamestown government, vigorously protested, closed down their glass factory, tar distillery and soap works until their just rights were recognized and honored. It did not take the Jamestown government long to realize the sorry predicament they would be in without the products made in the Poles' industry, nor to realize these Polish settlers' determination to protect rights and liberties due every man.

In reflecting upon the contributions made by the Polish-American community to the growth of our country, our thoughts turn as well to the heroic sacrifice made by Gen. Casimir Pulaski at Savannah in defense of our young Republic; the 194th anniversary of General Pulaski's selfless and noble death will also be commemorated this month on October 11.

Mr. Speaker, the Polish-American community has good cause to be proud of its heritage which has lent such rich texture to the fabric of American life. It is my privilege to join with them in commemorating Polish Americans past endeavors and accomplishments and to look forward to the contributions they will continue to make to the growth of the United States.

Mr. SMITH of New York, Mr. Speaker, this month marks two special anniversaries in the history of a people who are an important segment of this melting pot Nation of ours . . . the Polish Americans.

This month we should remember that the Polish were among the first settlers in this country and provided invaluable service in fighting for freedom during the American Revolution.

October 1 was the 365th anniversary of the arrival in Jamestown, Va., of the first Polish immigrants on this continent. Established in 1607, the first American colony of Jamestown was failing when the Virginia Company sent some Polish artisans to the New World in 1608. It took the Polish immigrants to establish the first American industry by building a glass furnace, followed by a soap works, a sawmill and a tar and pitch distilling operation.

October 11 is the 194th anniversary of the heroic death of Gen. Casimir Pulaski at Savannah. General Pulaski volunteered valuable military experience for the defense of the emerging democracy.

Soon we will be observing the 200th birthday of our Nation. Today I would like to take time to remember and thank the Polish Americans who have worked from the beginning to help make this celebration possible.

Mr. GREEN of Pennsylvania. Mr. Speaker, on Monday, October 1, we celebrated the 365th anniversary of the arrival of the first Polish immigrants to this country. In October of 1608, a small group of Poles landed at the Jamestown Colony. They brought with them desperately needed supplies and manufacturing expertise that was completely lacking in the Colony at that time. These few Polish settlers played an instrumental role in the survival of Virginia. It is fitting that we should today commemorate the outstanding accomplishments of these first Polish people in the New World.

The hard-working spirit, craftsmanship, and leadership of the Poles who landed at Jamestown was only one among many tremendous contributions that Polish Americans have made to this country throughout our history. I would like to take this opportunity to remember the contributions of one of these great men—Thaddeus Kosciuszko, a general in the Revolutionary War. The 92d Congress has already recognized Thaddeus Kosciuszko's accomplishments when it designated his home at 301 Pine Street, in my Philadelphia Congressional District, as a National Historical Site.

General Kosciuszko first came to America in 1776 to fight for the cause of freedom. During that fight, he demonstrated his superior military expertise by directing several monumental defensive battles. He was a key strategist at the battles of Saratoga, West Point, and Yorktown.

While fighting for the freedom of the American colonies, Kosciuszko lived in a tent, but later, in 1797, he moved to a small three-story house in Philadelphia. While a resident at 301 Pine Street, General Kosciuszko was visited frequently by his good friend, Thomas Jef-

erson. During one of those visits, at a time when relations between America and France were strained to the point of conflict, he and then Secretary of State Jefferson planned a secret peace mission to Paris to be undertaken by Kosciuszko. The mission, of course, was successful.

Thaddeus Kosciuszko was truly a significant figure in American history and a great American patriot. His life was dedicated to his personal motto, "for your freedom and ours." Here in Washington we are reminded of this dedication by his statue, which stands across from the White House in LaFayette Park. And on February 9, all Americans can honor this great man by joining in the celebration of Thaddeus Kosciuszko Day.

Certainly, this brief sketch indicates that Thaddeus Kosciuszko should be an inspiration to the million of Americans of Polish descent. And he should be a symbol of freedom to all Americans.

MR. HELSTOSKI. Mr. Speaker, in his writings in 1911, the famous Polish author, Joseph Conrad, said:

A man's real life is that accorded to him in the thoughts of other men by reason of respect or natural love.

It is with such great respect and love for my forebearers that I am honored today to take part in this special order to commemorate the 365th anniversary of the arrival in Jamestown, Va., of the first Polish immigrants on this continent.

The colony of Jamestown was founded in 1607 by the first settlers sent by the Virginia Co. of London, chartered by James I, for the colonization of North America in order to provide England with products in short supply, but necessary for her continued existence in commerce and industry. The products desperately needed were lumber, wood and wood products.

The second group of settlers arrived in Jamestown October 1, 1608. Six Polish industrial specialists and artisans were part of the composition of this group. These Poles quickly set about their task of clearing the forest, and within 3 weeks they built and had in operation a glass furnace, the first factory established in the English colonies of America. They tapped pine trees and distilled tar and pitch, set up a soap works, erected a sawmill, and instructed other colonists in these arts, all of which contributed greatly to the success of the early English colony at Jamestown.

Many of the immigrants, particularly the first ones, were criticized by Capt. John Smith because they were considered vagabond gentlemen who were accustomed to easy life and came to Virginia in quest of gold. They did not fare well through the severe winters, pestilence and famine which attacked the colony.

However, Captain Smith had nothing but the highest praise for the hardworking industrious Poles, and the Virginia Co. tried, not without success, to induce more of them to immigrate from Europe.

This handful of skilled workmen planted the first seeds from which has grown the greatest industrial nation in the world. From their rich Polish heritage, these sturdy, industrious men car-

ried with them their love for freedom and liberty.

As the Jamestown colony grew, it was divided into boroughs in which every man who had worked up his indebtedness to the London Co. was given the right to vote. Every man, that is, except the 50 Poles who, by that time, monopolized the industries of Jamestown. The British colonists, in spite of being dependent on their fellow Polish settlers, arbitrarily decided that citizenship should be a privilege reserved for their own special group.

In protest, the Polonians shut down their own industries and conducted the first strike in this country. It did not take the British colonists long to realize that not only was their well-being affected, but sending empty ships back to England could produce very unpleasant consequences since practically all of the profits realized by the London Co. came from the resale of the products of the Polish industries.

Members of the Jamestown General Assembly quickly declared their fellow Polish colonists to have full citizenship with every right of the vote and equal representation.

It is interesting to note that this handful of Polonians, who landed in America 12 years before the *Mayflower*, struck a blow for human dignity and the right to be free and equal. In the next century, two very famous Poles, Gen. Casimir Pulaski and Gen. Thaddeus Kosciuszko, took up arms with Gen. George Washington and other famous Americans, in our war of independence from the British.

General Pulaski lost his life fighting for American independence. General Kosciuszko, who had the rights and privileges of American citizenship bestowed upon him by a grateful Congress, left his will with Thomas Jefferson and requested that the disposition of his property be used to free Negro slaves and to educate them. These very famous personages kept faith with their heritage and traditions, and provided a continuity with the example established by the Jamestown Polonians.

We as descendants continue today to uphold the traditions and ideas ingrained by our forefathers in our belief in the freedom, liberty, and dignity of men and women in this country, and wherever they are suppressed.

The contributions of the Poles throughout history are legend, and we in this country can be justly proud of the example set for us by a handful of Jamestown Polonians who have helped to enrich our American heritage.

Mr. Speaker, as we celebrate the year of the 500th anniversary of the birth of Copernicus, and the 194th anniversary of the heroic death of General Pulaski at Savannah in the defense of our young Republic, let us pause to reflect on the important heritage passed on to Americans by a handful of Jamestown Polonians 360 years ago. Their indomitable spirit will remain with us throughout our history by their example. Our respect and love for these outstanding men will, I am confident, grow stronger with the passage of time. They

have indeed earned their place in the pages of American history.

Mr. ANNUNZIO. Mr. Speaker, America is a nation of immigrants. The diversity of their origins and their tremendous vitality have helped to create a culture both incomparably richer and materially more prosperous than would otherwise have been possible. Although the history of immigration records that the vast wave of new Americans arrived late in the 19th century, there has been a steady trickle throughout the nearly four centuries since the first English speaking colony was founded on this continent. It is with pride and gratitude that we recognize today the 365th anniversary of the arrival of our first Polish Americans in what is now the United States.

The Jamestown colony was first implanted in 1607 by a group of just over a hundred men, gentlemen adventurers for the most part, more interested in making a quick fortune in gold than planning a permanent settlement. In fact, only 12 craftsmen arrived with the first group, less than 1 in 8 among the settlers. The first year in America was a hard one for the little colony; they suffered greatly from the lack of practical knowledge necessary for such seemingly mundane tasks as building adequate shelter, digging wells, and tending the fields and gardens which prevented slow starvation. The cold winter took its toll, both from disease and starvation, and the summer of 1608 saw only about half the original party still living. The London Co., sponsors of the Virginia settlement, sent two groups of fresh colonists that year with the hope that something could be salvaged from the venture.

The second group of reinforcements for Jamestown arrived on October 1, 1608, aboard the ships *Mary* and *Margaret*; among these passengers was a group of several Poles. The records do not say exactly how many, but it was not their numbers which were to prove so important to the future of the colony, but rather the skills they brought with them to the New World. These Poles were not gentlemen adventurers, they were skilled craftsmen, carpenters and glassmakers, also men with vital knowledge of preparing naval stores such as pitch and tar from the scattered pine woods in the area. They set to work almost immediately setting up a glass furnace and sinking the first fresh water wells in the colony. The primitive glass-works and naval stores provided a large portion of America's first export shipment the following year when Capt. John Smith wrote:

We sent home ample proof of Pitch, Tar, Glass.

As the colony prospered, the little group of Polish craftsmen grew to a sizable community of about 50 men, well known in the settlement for their energy and diligence, most having worked off their considerable debt to the London Co. within 2 to 3 years. Capt. John Smith knew of their value and wrote later in his book "True Travels":

Adventurers never did know what a day's work was, except that Dutchmen and Poles and some dozen others. For all the rest were poor gentlemen . . . more fit to spoil a com-

monwealth than either to begin one or to help to maintain one.

Smith had more than simply professional experience to draw on in relating his experiences with these first Polish-Americans; one day in 1609 he was ambushed by a supposedly friendly Indian who wrestled him to the ground and into a stream, where Smith, with his heavy armor, was at a distinct disadvantage. Two of the Polish settlers came along at just this time and waded into the water, saving the captain's life and capturing the treacherous Indian.

The story of Poles at the Jamestown colony does not end simply with tales of their skill and industry, however; they led the first struggle in what is now the United States for full political rights for all regardless of background. In 1619 the London Co. gave the Virginia colony the right to share in its own government, to which end the House of Burgesses was formed, the first representative assembly on the continent. The election for the new body aroused and angered the colonists of Polish background, because, not being originally English subjects, they were excluded from any part in the new instruments of self-government. In protest, they refused to do any work until accorded the same voting privileges as those enjoyed by the English settlers. Operations in the glassworks, the tar distillery and the soap factory, the colony's most profitable businesses, came to a halt. Governor Yeardley, seeing the company's major source of profit suddenly dried up, took quick action to secure political equality for the Polish-American community at Jamestown. The "Virginia County Court Book" for 1619 records the following decision by the Governor:

Upon some dispute of the Polonians resident in Virginia, it was now agreed (notwithstanding any former order to the contrary) that they shall be enfranchised and made as free as any inhabitants there whatsoever.

And so, today we recall with pride their accomplishments and honor these men on the 365th anniversary of their arrival in America. By their actions they epitomized the outstanding contributions to the building of America made by Polish Americans who followed them to the shores of our Nation: By their skill and determination they not only bettered their own lot, but proved an invaluable resource to their community and Nation as well.

Mr. Speaker, I also want to commend my distinguished colleague, Hon. Ed DERNICKI of Illinois, for taking this special order to commemorate the arrival of the first Polish Americans in America. Ed is one of the most outstanding Members of the House of Representatives and he has served his constituents and his Nation with distinction for 16 years. He is truly a distinguished American of Polish heritage who personifies the great contributions that Polish Americans have made to America.

I also want to congratulate the great leader of the Polish National Alliance, Aloysius A. Mazewski, who also has ably served his country though his appointment by President Nixon to the United Nations and who has made tremendous

progress not only for the people of America but for the people of the world.

It is fitting, therefore, that today we pay tribute to the first Polish Americans who arrived in this country in 1607 and to all Polish Americans who have migrated to America and who have contributed so much to making the United States the greatest country of free people in the world.

**Mr. HANLEY.** Mr. Speaker, on October 1, 1608, a small British sailing vessel, called the *Mary and Margaret*, arrived at the struggling colony of Jamestown, Va. This ship, the second colony ship to arrive in the Americas, carried aboard a handful of skilled artisans and specialists from Poland. In a short time these, the Nation's first Polish Americans, had built the first glass furnace on the American continent, organized the production of soap, pitch, clapboards and other building materials and eventually came, through hard work and ingenuity, to control and run most of the industries of early Jamestown.

I feel that these early Polish settlers are a good example of the caliber of the people Poland has sent to our shores. Industrious, capable, and noted for their "respect, mirth, content, and entertainment," as Capt. John Smith, leader of the Jamestown Colony, described them, the Polish descendants of this country have played an important and fruitful role in the development of our Nation. The Polish Americans of this country have done much to enrich our society through their cultural heritage and to their dedication to freedom and love of country. On October 11, we shall celebrate one such example of the Poles' love of freedom when we observe the 194th anniversary of the heroic death of Gen. Casimir Pulaski at Savannah in the defense of our young Republic. I am sure that we can all agree that such examples of the contributions Polish people have made to a better life here in America are not rare, but the rule, and that our Polish-American citizens deserve to be proud of their unique contributions to the life of this country.

**Mr. NEDZI.** Mr. Speaker, the historic Williamsburg-Jamestown-Yorktown triangle in southeastern Virginia is generally thought of as a particularly "American" area.

A weekend vacation to these cherished historical sites will provide us with an illuminating as well as enjoyable personal experience. It may also be a trip which provides us with surprises. The schoolboy memories the words Jamestown, Yorktown, and Williamsburg evoke relate to England, for they generally signify English adventure, English colonies, and English and American conflict.

The surprise element enters when we view the plaque commemorating the settlers of 1607-08, the Virginia Co. Names unmistakably Polish are to be found there. These adventurous and courageous men are generally credited with having helped save the colony by their work as skilled laborers. Five Polish experts built the first glass furnace and their energy and self-discipline kept the colony from disintegration.

They arrived in Jamestown in October 1608 and this is the 365th anniversary we observe today.

The point deserves to be made that Polish Americans have played a long and honorable part in the development of our Nation.

Polish Americans, for example, began to play a part in Pennsylvania history in the 18th century. In the last 70 or 80 years, the Polish contribution has been visible throughout the East and Midwest, especially.

Americans of Polish blood have a rich history of heritage and culture to preserve. In my judgment, we who are bilingual in heritage are twice blessed.

As the late President John F. Kennedy once wrote:

Little is more extraordinary than the decision to migrate, to say farewell to a community where one's family has lived for centuries, to abandon old ties, and to sail across the seas to a strange land. If the newcomer failed to achieve the American dream for himself, he could still retain it for his children.

Generations of Poles have lived that adventure and they have achieved and are achieving the American dream for themselves and for their families.

It is with a good feeling, therefore, that I join in this observance and have the opportunity to applaud the wider and beneficial aspects of the Polish-American experience.

**Mr. SARASIN.** Mr. Speaker, Monday, October 1, 1973, marked the 365th anniversary of the arrival in Jamestown, Va., of the first Polish immigrants on this continent.

The importance of this event far exceeds the fact that it is a date to which Polish-Americans can point and say, "This is our origin." October 1, 1608, witnessed the arrival of the second supply of immigrants sent by the Virginia Co. to the economically floundering colony of Jamestown, Va. Included among the number were five Poles who were artisans by trade. They proceeded to build a glass foundry within a mile of Jamestown, the first factory in America, and cut down the first trees for wood manufactures. Because of their pride in their work and their industriousness, they were soon able to export the first products of American industry. This occasion marks the beginning of the growth of our Nation to a position of economic preeminence.

The arrival of the first Poles in Jamestown is a microcosm of American history in another respect in that the town leaders were hesitant to grant citizenship to them. However, because of their fierce love for liberty, these new settlers refused to accept the decision and staged what might possibly be America's first strike. Their reasoning was simply that if they were to make a substantial contribution to the development of the New World, they should be entitled to all the rights and responsibilities of their fellowmen. To save their colony, the town fathers quickly rescinded their decision, and the first Polish-Americans were recognized.

No nationality has a premium on industriousness or love for America, but

the Poles who arrived over three centuries ago are an example of the dedication and spirit upon which our country has developed and is continuing to grow. I stand with my colleagues to applaud the contribution to America, which our Polish-Americans began making over 365 years ago.

**Mr. RHODES.** Mr. Speaker, ours is a great country. Certainly, one characteristic of the United States which has lent to the development of its greatness has been its privilege to benefit from the rich and diverse historical, cultural and spiritual heritages of its citizenry. Not least among those immigrant groups contributing to our success and progress as a nation is the Polish-Americans. From the earliest days of Jamestown to the present, our fellow citizens of Polish ancestry have been influential in creating the American way of life. It is altogether fitting that we commemorate this group of fine Americans and extend our warmest "thanks" to them for their many contributions to our Nation.

**Mr. KEMP.** Mr. Speaker, thanks to my friend and colleague Ed DERWINSKI, it is an honor to join my colleagues in commemorating the 360th anniversary of the arrival in Jamestown, Va., of the first Polish immigrants on this continent. We pay tribute today to the memories of Michal Lowicki, Zbigniew Stefanski, Jur Mata, Jan Bogdan, Karol Zrenica, and Stanislaw Sadowski—the handful of men who came to America 12 years before the *Mayflower* and to whom Capt. John Smith gave credit for saving our American colony.

As the historian Mieczislaus Haiman described in his book, "Poles in America":

The beginnings of Virginia also mark the beginnings of the history of Polish immigration in this country. To some degree, Poland influenced the founding of that oldest English colony in America.

Early in the 17th century England suffered a heavy economic crisis. The destruction of her forests for commercial purposes threatened the very existence of her industry, especially three of its most important branches: ship building, wool manufacture and founries. All three require great quantities of lumber, wood and wood products. To supply these needs England was forced to import large quantities of those materials from foreign countries, particularly from Poland. The main purpose of the Plymouth Company and of the Virginia Company of London, chartered by James I, for the colonization of North America, was to make England independent of Polish and other imports.

Jamestown was founded in 1607, by the first immigrants sent by the Virginia Company. A year later, in October 1608, the Poles appeared with the Second Supply engaged by the Company as experts and instructors in the manufacture of glass and pitch, tar and other products which Poland exported to England. The exact number of this group is not known, but they were not more than a handful.

Immediately after their arrival the Poles started their work. They built a glass furnace about a mile from Jamestown and cut down the first trees for wood manufactures; in a short time they were able to send to England the first products of American industry. However, their labors soon met with great obstacles, Indians, pestilence and famine attacked the colony.

The winter of 1609-1610 was especially severe and became known in the history of Virginia as "starving time"; of 400 colonists

only 60 survived. Worst of all, however, was the disorder which reigned in the colony. Most of the first settlers were the famous "vagabond gentlemen" who were accustomed to easy life and came to Virginia in quest of fabulous gold mines. In contrast to them, the Poles conducted themselves very creditably. Captain John Smith who did not mince words when speaking of his lazy countrymen, spoke of the Poles in terms of the highest praise, "They," said he, meaning the colonists generally, "never did know what a day's work was except the Dutchmen and Poles." Later documents speak of the Poles with praises, too, and the Virginia Company tried, not without success, to induce more of them to come over from Europe.

Poles were generously sprinkled in the Thirteen Colonies at the time of the Revolution and contributed to the ultimate freedom of America. They had been in Delaware as early as 1650, and William Penn numbered them among his loyal settlers. Most famous of the early Polish Americans was Kosciuszko, who joined the Army of the Revolution in 1776, rose to the rank of colonel of artillery, and became General Washington's adjutant; Congress awarded him American citizenship, a pension with landed estates, and the rank of brigadier general. General Casimir Pulaski, the 194th anniversary of whose heroic death at Savannah we will be commemorating on October 11, was another noted Pole who aided our young Republic.

Since that day in 1608 when the first small band of Poles arrived at Jamestown, the contributions which Polish-Americans have made in all fields of endeavor—from science and painting to medicine and politics—have been innumerable. In the words of President Dwight D. Eisenhower:

Since the earliest days, Americans of Polish origin have contributed much of their rich cultural, historical, and spiritual heritage to this land. In the development and continuing promise of our country, Polish-American citizens play a vital role.

I am proud to say that one-third of the residents of Erie County, N.Y., in which my congressional district lies, are Polish-Americans and hundreds of these citizens of Polish heritage are successful in every profession and in key positions of government.

America is the greater because so many Poles have chosen this Nation as their home. On this important day of commemoration for every American of Polish heritage, I salute the freedom-loving Poles of Erie County and of our Nation.

Mr. REUSS. Mr. Speaker, October 1, 1973, marked the 365th anniversary of the arrival of the first Polish immigrants to America.

Michał Łowicki, Zbigniew Stefanski, Jur Mata, Jan Bogdan, Karol Zrenica, and Stanisław Sadowski landed at Jamestown, Va. in 1608—12 years before the Mayflower anchored at Plymouth Rock—and helped to make it the first permanent English colony in the New World.

Jamestown—founded in 1607—stood on the verge of collapse when the Poles arrived. Plagued by "gentlemen adventurers" more interested in searching for gold than in making a home, the colony had been caught unprepared for the first winter's cruelties. Capt. John Smith had

to beseech the Virginia Co. to "send but 30 carpenters, blacksmiths, and masons rather than a thousand such as we have here."

Within 3 weeks of their arrival, the Poles built and were operating a glass factory, the first factory in the English colonies in America. They also began distilling tar and pitch, and built a saw mill and a soap factory. Soon, their example had the entire colony busy at work.

October 1, 1608, is being commemorated across the land, for the first Polish colonists at Jamestown—and the countless Poles who have followed them to this country—have helped to make America.

Mr. WYDLER. Mr. Speaker, I would call to the attention of the House an historical event of utmost importance to a large segment of the American community—the arrival at Jamestown, Va., exactly 360 years ago, of colonial vessels of the London Co. bearing the first Polish immigrants to American shores.

As was the custom then, almost all the colonists had worked out their passage by pledging themselves to labor for the company that owned the settlement. Within 2 to 3 years, the Polish immigrants had repaid the London Co. for the passage by ship from Europe, and become free citizens of the community.

Immediately upon their arrival they set to work to build a glass furnace on a tract of land allotted them about a mile from the fort. They also cut down trees for wood manufacturers. When the English ship was ready to sail for England across the Atlantic Ocean, it carried a full line of samples the Polish glass-makers were prepared to turn out in commercial quantities, as well as a cargo of pitch distilled by Polish lumbermen from Virginia's pine trees, and other products of the field and forest which the Poles had manufactured. These were, in fact, the first products of American industry.

In addition to their energy and craftsmanship, the Polish immigrants to Jamestown brought with them an abiding concern for civil liberty. Colonial records of Virginia reveal a group of Poles somewhat disturbed during the session of the first Virginia Assembly. In June of 1619, when the House of Burgesses ushered in representative government in Virginia, non-English settlers were specifically excepted from the advantages of enfranchisement. In protest, the Poles refused to work until accorded the same voting privileges as those enjoyed by English settlers; so they suspended operations in the glass factory, the tar distillery, and the soap establishments.

Thus it happened that those summer days of 1619 were to witness not only the first popular assembly in America but also the first labor walkout. The Colonial Governor and legislature were properly impressed. Under these circumstances, they suddenly realized the importance of the Polish contributions previously taken for granted. Except for the few pounds of tobacco the English colonists were beginning to export, practically all the profits realized by the London Co. came from resale of the products of the Polish industries. As a result, the Jamestown Poles obtained equal political status on the strength of their abilities, to the dis-

tinct advantage of American political tradition.

It is today a well recognized fact that the Polish-Americans are indeed a power in our land and a power that has always been inclined, from the start, to work in the interests of the democratic process. In this, the Poles in American politics are merely extending the traditions of their forebears—traditions of the free and the bold, who stand for equality at all times, and justice for all men.

Mr. HANRAHAN. Mr. Speaker, October 1 marks the 360th anniversary of the arrival of the first Polish immigrants in this country. Since that time, Americans of Polish origin have contributed greatly to the achievements of our country.

Jamestown, Va., was the site of the first Polish American home. It was because of the Poles that Jamestown was able to survive and develop into a thriving industrial community. They built glass furnaces, cut down trees for manufacturing, and acted as experts and instructors for the Jamestown residents.

The entire history of our country is threaded with accounts of the vital role the Polish American has played in our development. Dating from the pioneer days to the present, the Polish American community has been instrumental in making our country the great Nation it is today.

I would like to join with my colleagues in commemorating this historic occasion in the history of our country and the history of the Polish American community.

Mr. DULSKI. Mr. Speaker, it is a pleasure to join my distinguished colleague from Illinois in commemorating the 365th anniversary of the arrival of the first Polish immigrants in the New World.

As an American of Polish ancestry, I am particularly proud of the Polish contributions to our society. On Sunday in Buffalo I had the privilege of participating in observances of the 194th anniversary of the battle death of Gen. Casimir Pulaski, who had so stoutly defended the causes of the American Revolution. Nations around the world are noting the quinquecentennial of the birth of Nicolaus Copernicus, without whose findings, the astronaut who rode in our Pulaski Day Parade might never have traversed space. From the beginning of our Nation to the present day, Polish Americans have made their positive mark on our history.

Although the fact is not widely recognized, that impact began 12 years before the arrival of the Mayflower—when a tiny band of Polish artisans arrived in Jamestown, sent by the Virginia Company to share their industrial expertise with the colonists. It is possible that their presence among the "gentlemen adventurers" in the colony decided the course of history.

Certainly, their energy was notable and the results impressive; within 3 weeks a glass factory was in operation and soon a saw mill, soap works, and tar and pitch distillery were underway. Capt. John Smith praised these Polish immigrants highly and credited them with much of the success of the colony.

These men in Jamestown set a high standard for settlers in the centuries to come. And it is a standard which has been upheld. American Poles in all walks of life, while retaining their ethnic pride, have made their contributions to American life.

I am proud to be an American Pole; I am proud to pay tribute to these early Polish settlers in Jamestown.

#### FOREIGN INVESTORS AND OUR VITAL INDUSTRIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, I rise today to discuss H.R. 8951, a proposal designed to bring this body's attention to the mad rush taking place in the financial corners of this country. I am talking about the current but carefully planned actions of foreign investors to buy into and take over some of our most vital industries. What concerns me is that given domestic market conditions, the international store of dollars, and the recent devaluations, the current wave of investments is only a drop in the bucket compared to what can be and is expected.

Foreign direct investments—which carry with them participation in management, as contrasted with portfolio investments which do not—totaled \$13.7 billion at yearend 1971. The rate of growth showed a marked increase from 1966. From yearend 1961 to 1966, foreign direct investments grew an average \$332 million per year, while from year-end 1966 to 1971, they grew an average \$930 million per year. These figures correspond to annually compounded growth rates of 4.1 percent and 8.6 percent respectively. While figures are not yet available for 1971 and 1972, it is expected that these growth rates will continue to increase. Direct investment in this country by Europeans increased almost 13 percent annually over the 1966-70 period, from only 5 percent annually during the 1959-66 period. The Japanese anticipate an average yearly rate of increase of 25 percent, meaning that by 1980, Japan's foreign investment worldwide could be something like \$25,000,000,000-\$30,000,000,000, a large part of which will be here in this country.

The numbers of foreign direct investments do not tell the whole story. U.S. News & World Report, in the June 24, 1973 issue, had to say that:

Involvement in American business of foreign capital is estimated at over \$55 billion—more than double in ten years. That does not count overseas ownership of U.S. land—figured as high as \$75 billion.

The Commerce Department reports that there has been an increase of foreign owned and/or controlled manufacturing establishments in the United States of over 100 percent. In 1967, there were 385 such establishments, but by 1972, there were 802. And I assure you that number grows daily.

The other day I was reading an article in the Financial Post of Canada about an interview with a Japanese banker. I am enclosing it at the end of my time,

for your special interest, but to briefly make a point, let me say this about it. When the reporter posed to the banker the question,

What will a country like Japan—with so much industrial congestion—do to maintain growth?

Kazuo Nukazawa, with Keidanren, a manufacturing association in Japan, said without smiling and very seriously,

Well, we could buy another country . . . South America would be a good one.

What he was talking about was a fact of advanced Japanese industrial thinking: Japan is moving beyond its own borders in the 1970's in the same way that Britain moved outside its borders in the 1800's and the United States moved abroad in the 1950's and 1960's. Nukazawa continued:

Given the constant instability of exchange rates, rising protectionism abroad and emerging economic regionalism in Europe, the only self-defense measure available for Japanese manufacturers is to set up a Trojan Horse within protective walls abroad or diversify assets internationally and hedge against monetary disturbances.

In the last few years, foreign banks have begun to show explosive growth in their business in the United States. They are posing serious regulatory questions for Federal banking officials who today have very little authority over such operations. So far as the Federal law is concerned, the Federal Government has jurisdiction over foreign banking in this country only when a bank overseas owns or seeks to acquire incorporation in this country. Foreign branches, agencies, and other operations, here are left entirely to the State.

International banks are able to operate across State lines, in a manner for the most part prohibited to the domestic institutions. At the same time, they are expanding rapidly into the American brokerage business, notwithstanding the separation between the banking and securities industries that Congress decreed in 1933 in the Glass-Steagall Act.

#### The top 20 by country

Country and	Total U.S. Assets
Number of Banks: (In millions of dollars)	
Japan—8	\$8,514.6
Canada—4	4,229.0
Britain—3	1,591.6
France—2	1,530.5
Multinational—1	1,119.0
West Germany—1	1,018.2
Switzerland—1	587.2

Since introducing this bill on June 25, 1973, interest and support has come from my colleagues as well as from various segments of the economy. It is a relatively new endeavor for many foreign investors, who, for the first time, have the money and desire to invest in this country. American management is not viewing the situation with equanimity. But at present, Federal law cannot provide much assistance to those who are resisting the takeover of control of American corporations by foreign interests. Some of the corporations that have taken their battle to court, and doing so now, are: The Signal Companies, owner of Mack Truck, Garret Aerospace and Modern Transportation Research, and the Signal Oil Co., whose 100,000-barrel-a-day

strike in the North Sea has just been confirmed; the Ronson Corp.; and Texagulf, a Texas corporation engaged in the production and marketing of minerals, oil, and forest products.

I am concerned that it is the stated purpose of some of these investors to secure sources of supply and raw materials. The Japanese are particularly interested in coal, oil, and timber. They have just settled an agreement to build the first Japanese owned steel making plant in Auburn, N.Y. I am concerned because the Japanese have restricted investment in their country for years, and their current contentions of liberalization leave me suspect when they completely restrict agriculture, forestry, fisheries, mining, petroleum, leather tanning, and retailing to foreign investment. They also have "short-term" protected industries. Among them are: Integrated circuits, meat-products processing, data processing, clothing, packaging and materials handling equipment, musical records, and real estate. Foreign investors can buy up to 100 percent of the shares in any going Japanese firm as a general rule, aside from the exempted sectors—but with one condition: The firm whose shares are being purchased must give its assent. If the firm does not like it, then the old ceiling on foreign investment applies.

I urge all my colleagues to consider the goals of H.R. 8951. The bill is aimed at preventing foreign control of domestic industries, but at the same time permits diversification of foreign investments in a manner consistent with sound economic policy.

#### FOREIGN BANKS IN THE UNITED STATES

TOTAL ASSETS AS OF JUNE 30, 1972

(In millions of dollars)

Bank of Tokyo:	
New York Agency	\$1,485.1
Bank of Tokyo Trust Co. (N.Y.)	698.1
Bank of Tokyo of California (S.F.)	595.5
San Francisco Agency	343.6
Los Angeles Agency	253.8
Seattle Branch	164.7
Portland (Oreg.) Branch	38.4
Total	3,579.2

Royal Bank of Canada (Montreal):	
New York Agency	1,772.8
Royal Bank of Canada Trust Co. (N.Y.)	95.7
Branches in Puerto Rico	137.5
Total	2,006.0

Sumitomo Bank (Osaka):	
New York Agency	582.1
Sumitomo Bank of California (S.F.)	564.8
San Francisco Agency	97.5
Total	1,244.4

European-American Bank & Trust Co. <sup>2</sup>	
European - American Banking Corp. <sup>2</sup>	1,119.0

Commerzbank (Düsseldorf):	
New York Branch	1,018.2
Crédit Lyonnais (Paris):	
New York Branch	902.2
Bank of Montreal:	
New York Agency	692.8
Bank of Montreal (California)	87.7
San Francisco Agency	38.2

Bank of Montreal Trust Co. (N.Y.)	\$10.7
Total	829.4
Canadian Imperial Bank of Commerce (Tor.):	
New York Agency	531.2
California Canadian Bank (S.F.)	170.3
Other offices	102.3
Total	803.8
Fuji Bank (Tokyo):	
New York Agency	754.2
Mitsubishi Bank (Tokyo):	
New York Agency	377.0
Los Angeles Agency	247.0
Mitsubishi Bank of California (L.A.)	45.6
Total	669.6
Sanwa Bank (Osaka):	
New York Agency	428.2
San Francisco Agency	193.1
Sanwa Bank of California (S.F.)	38.7
Total	660.0
Banque Nationale de Paris French-American Banking Corp. (N.Y.)	447.2
San Francisco Agency	171.0
French Bank of California (S.F.)	10.1
Total	628.3
Bank of Nova Scotia (Halifax):	
New York Agency	398.1
San Francisco Agency	36.0
Other offices	155.7
Total	589.8
Barclays Bank (London):	
New York Branch (Barclays Bank Intl.)	237.1
Barclays Bank of California (S.F.)	207.9
Other offices	142.2
Total	587.8
Trade Development Bank (Geneva):	
Republic National Bank of New York	587.2
Mitsui Bank (Tokyo):	
New York Agency	399.9
Los Angeles Agency	101.6
Total	501.5
Dai-Ichi Kangyo Bank (Tokyo):	
New York Agency	385.1
Los Angeles Agency	130.2
First Pacific Bank of Chicago	26.9
Total	542.2
Lloyds & Bolsa International Bank (London):	
New York Branch	533.7
Tokai Bank (Nagoya):	
New York Agency	299.9
Los Angeles Agency	183.6
Total	483.5
Schroders, Ltd. (London):	
J. Henry Schroder Banking Corp. (N.Y.)	345.2
Schroder Trust Co. (N.Y.)	124.9
Total	470.1

<sup>1</sup> Figures for branches in the U.S. Virgin Islands not available.

<sup>2</sup> These banking concerns, located in New York, are jointly owned by the Amsterdam-Rotterdam Bank Creditanstalt-Bankverein, Vienna; Deutsche Bank, Frankfurt, Midland Bank, London; Societe Generale, Paris, and Societe Generale de Banque, Brussels.

Sources: New York and California State Banking Departments; M. A. Schapiro & Co., Inc.

[From the Financial Post, Sept. 22, 1973]

#### THERE'S NOWHERE TO GROW BUT OUT

During a quite-serious conversation with an urbane, conservative Japanese banker, the subject of Japan's industrial strategy came up. I asked him what a country as small as Japan—with so much industrial congestion—will do next to maintain growth.

He answered without hesitation and with no trace of a smile: "Well, we could buy another country."

I started to laugh but, seeing him miss his own joke, I asked him where Japan could buy a country these days. He said again without hesitating and without humour: "South America would be one good place."

The conversation turned and went off on other tangents, but it was that one short exchange which really struck me. The man had been a good 75% serious. Japan has gone about far as it can go within its own borders in terms of production expansion. If you want to grow, start moving abroad.

#### BECOMING MULTINATIONAL

Now it's hard to believe this banker really meant that one country could simply buy or annex another country and start up shop there. Although the mind does boggle a bit at the outrageous simplicity of the idea.

What he was talking about was a fact of advanced Japanese industrial thinking: Japan is moving beyond its own borders in the 1970s in the same way Britain moved outside its borders in the 1800s and the U.S. moved abroad in the 1950s and 1960s. It is destined to become a multinational country in economic terms.

Only there's one major difference between Japan and the Western multinationalists: Japan has no other choice but to expand abroad while the others have done it all by choice with profit the motive. And, if necessity is truly the cause of success, Japan may be the most successful of the lot.

Kazuo Nukazawa, assistant director, international economic affairs department with Keidanren (a sort of supercharged Canadian Manufacturing Association), has been studying this need for Japanese industrial expansion for a number of years in Japan, Europe and North America. He puts the situation quite succinctly:

#### CAPITAL OUTFLOW LEAPS

"Given the constant instability of exchange rates, rising protectionism abroad and emerging economic regionalism in Europe, the only self-defense measure available for Japanese manufacturers is to set up a Trojan horse within protective walls abroad or diversify assets internationally and hedge against monetary disturbances."

In 1972, Japan's net long-term capital outflow was \$4,500 million, registering a whopping \$3,400 million increase over the previous year, Nukazawa says. And these statistics alone show that Japan is emerging as a formidable investor nation.

Add to this, real problems in the Japanese economy like concern over the environment and the growing demand of resource-rich countries like Canada, Australia, Iran, etc. for Japanese firms to proceed to more-value-added production and you have a pretty solid case for international expansion.

"Like so many other multinationalist countries, this industrial expansion will cause social and economic problems for Japan too," says Nukazawa. "But Japanese business will go abroad whether the Japanese govern-

ment likes it or not, if the overseas ventures are in the interest of their business."

#### WILL HELP EXPANSION

"Japan may be emulating a bit of the American evil in a few years; a combination of high domestic unemployment and billions of dollars in cash assets of multinational corporations chasing after the goddess of profit in other countries."

Takamasa Matsuda, chief manager of the Fuji Bank Ltd.'s research division adds a few more factors that will contribute to international Japanese expansion.

First of all, he says, direct overseas investment was almost completely liberalized in July, 1971, and official policy has encouraged the outflow of Japanese capital ever since.

Secondly, the growing labor shortage and the rise in wages in recent years have made Japanese labor-intensive industries less and less competitive. These companies have tried to stay abreast of international prices by shifting production to low-wage countries with a sufficient supply of labor.

Third, the hike in the Japanese yen in recent years has made exports more expensive to sell abroad but has made it attractive to invest those yen in devalued countries where the higher yen goes that much further.

Fourth, the increasing demand for raw materials and fuels has led to active investment by Japanese companies in the development of overseas raw material sources for import back to Japan.

"The expansion of Japanese exports, which so far has grown at twice the growth rate of world trade, has led to friction in Japan's relations with both developed and developing countries," Matsuda says. "Japanese enterprises will be forced to gradually replace exports by production in those export markets."

It's extremely difficult to get any experts to give you predictions for future overseas investment in money terms, but this much they will say.

#### RELATIVELY SMALL

At the end of 1972, the book value of Japan's direct overseas investment stood at an estimated \$8,000 million. (In 1967, it was about \$1,500 million.) This is still small compared with countries such as the U.S. (Canada's direct investments abroad at the end of 1970 total \$6,064 million.)

But, in the latter half of the 1960s, the average yearly rate of increase in Japan's outward investments was the highest among the advanced industrial nations. (This is where Japan always murders you. It doesn't matter what happened six years ago, brother, look what happened in the last three years.) And Japanese economists are predicting about a 25% increase every year for the next 10 years. So, by 1980, Japan's foreign investment could be something like \$25,000 million-\$30,000 million.

This kind of increase could catapult little Japan right over Britain and all the European countries to rank it second in the world behind the U.S.

All right, now the last question in this guessing game: Where are they going to put all that money?

It's a very common question these days, too, because almost every country in the Western world—including a number from the Eastern world—are parking themselves on corporate and government doors asking if these people would like to try a little foreign excitement.

Bad news for the Americans, Canadians and Europeans, though—the Japanese have very little inclination of moving from one expensive labor market to another.

Their sights are apparently aimed at the less industrially-developed countries like Korea, Brazil, Iran etc. where labor is plentiful and cheap while raw materials are plenti-

ful and also cheap. It's just as easy to export to the U.S. from Brazil as it is from Japan and, if you work it right, your trade balances don't get too awkward.

#### RAW MATERIALS

"It's a very popular view among international scholars that Japan will be exporting its sophisticated industries abroad," says Fujio Matsumuro, director, overseas private investment division, International Finance Bureau, Ministry of Finance. "But it's not too realistic. What Japan needs now and will continue to need forever are raw materials. We will do anything to get them and that certainly includes building mines and refineries abroad. But secondary manufacturing is another thing altogether.

"We may have to build some manufacturing plants abroad but the reason will be demands on the part of the resource supplying countries, not the Japanese government. What our suppliers want, we will do. But many people may be disappointed that we aren't willing to send too many of our manufacturers overseas."

Which brings you back to what Keidanren's Nukazawa says. The government wants to keep the industries in Japan, the companies want to make money anywhere they can, and everybody wants more raw materials. The companies will do what they want. That's certain. But just exactly what they will want is a billion dollar guess.

#### UNDERPRICED TIDELANDS CRUDE OIL IN CALIFORNIA

The SPEAKER pro tempore Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, earlier today testimony was given to an investigative body in California indicating that that State is losing over \$200,000 per day in revenues from oil produced from publicly owned tidelands. A proportionate loss accrues daily to the city of Long Beach which also has certain proprietary interests in the public tidelands.

The testimony was offered by Assemblyman Kenneth Cory, D-Garden Grove, who charged that the losses accrue because at \$3.21 per barrel, the posted price for oil at the tidelands oil field, production there is grossly underpriced. He states that the price should be at least \$4 per barrel, as it is at other fields in the same region for the same gravity oil and where shipping charges are approximately the same.

The underpricing of tidelands oil in California has long been a matter of deep public concern. I have a strong feeling that this concern is fully justified.

Early in the oil game the practice came into being of pricing oil at a field by all producers according to the price at which it will sell posted by one of the field's major producers. Given sufficient producers and sufficient buyers the system works reasonably well to effect a reasonable bargain between them.

However, with respect to the California tidelands production at the Long Beach-Los Angeles Harbor area, there are too few producers and too few refiners buying the oil to actually set real forces of fair play and competition in motion. A few major oil companies which both produce oil and refine oil own a very large share of the refining capacity in this area. Even if they also own some of the production, it is a minor share of that

coming out of the tidelands fields. Thus, their overall interest lies in cheaper crude and I believe that consciously or unconsciously those who post the field price tend, for this reason to underprice rather than to fairly price the product.

Although the tidelands production is of a gravity oil which is somewhat low, the price discrepancy to the disadvantage of the sellers here is proportionately much lower than it should be, taking into consideration what would be a normal or linear differential in price for two different gravities.

Thus I strongly urge that the public bodies who are disadvantaged by this apparent underpricing situation continue their fight to rectify the situation—and take it to the courts if necessary. I will give them every possible support from this end of the line.

#### THE HOUSE SHOULD INVESTIGATE THE CHARGES AGAINST VICE PRESIDENT AGNEW

The SPEAKER pro tempore Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 5 minutes.

Mr. TALCOTT. Mr. Speaker, I respect what the Vice President is doing although I know nothing of the facts relating to any charges against him. I refuse to believe rumors, leaks, hearsay, speculation, or accusations until proved in a court of law. All of us should respect the most basic precept of our law, in practice as well as in theory and principle, that everyone is innocent until proved guilty in a court.

I believe Baltimore County, especially, and Maryland politics, generally, are as corrupt as any political arena in our country including Chicago, Tammany, Boston, Texas, or New Jersey. It may be quite difficult for anyone to succeed in Maryland politics without "playing the game" and becoming tainted; however, if anyone could, I believe Mr. AGNEW could. I believe Mr. AGNEW needed to "play the Maryland political game" less than most because he was in the political minority, a "long shot" not expected to win the election for Governor in 1966.

Regardless of the facts, Vice President AGNEW has some special duties and responsibilities. His first obligation is to the people of the United States. But he has also a unique responsibility to the office of the Vice-Presidency. The office—its prerogatives, authority, rights, functions—must be protected. No one else is likely to protect the Vice-Presidency diligently enough. The President and Attorney General apparently will not; the leadership of the Congress declined; the national media demurs; the majority of the people might not, unless they become aware of the importance of that great office to our Republic.

To protect the functions of the Vice Presidency, the Constitution wisely provides that the Vice President cannot be indicted by any grand jury—County, State, or Federal. The Constitution clearly states that a Federal official once impeached, convicted, and removed from office can then be tried on criminal charges.

The reason is obvious. A Vice President could not possibly perform his duties if he were plagued by one or more bona fide or rumored grand jury investigations or indictments. The Vice President could be prevented from performing his constitutional duties at a crucial time on a critical issue if he were subject to grand jury harassment. This minimal restriction on a court or the minimal respite from process for less than a dozen of our highest Federal officials is worth the imperative to safeguard the performance of the second most important office in our system.

If the alleged transgression of any Vice President is so serious or heinous, he can easily and quickly be impeached and convicted. Otherwise the prosecution can wait a few months until he retires. Little, if anything, would be lost and the continuous performance of our system would be safeguarded.

I believe, for practical and constitutional reasons, that the Vice President should be impeached and convicted before he is required to answer to any grand jury indictment.

The Vice President must defend the Vice-Presidency from erosion of this protection. If this Vice President can be harassed by an orchestrated series of many politically motivated county grand juries.

This Vice President has not ducked the orchestration of leaks and rumors of charges against him. He has offered his records; he has offered to appear before the grand jury and the Attorney General. He has made public statements. He has requested the House to investigate the allegations—whatever they are. This request implies an invitation to impeach if there is probable cause of misfeasance and to convict if there is sufficient evidence.

No man is above the law. Quite true. But the law must and does safeguard the Vice Presidency not for and on behalf of the Vice President or Mr. AGNEW, but for and on behalf of every American citizen, the protection of our Republic and the preservation of our political and constitutional system. This is a fine, but fundamental, matter that cannot be settled by the judiciary alone. I believe that the Supreme Court will acknowledge this situation when it takes up this complicated constitutional, political, and governmental issue. Such issues must be resolved by the three branches working together in the best interests of our citizens and our system regardless of who the particular office holder might be at a particular time.

I am convinced that the House leadership understands the unique and separate rights of the office of the Vice-Presidency as distinguished from the rights of the person of the Vice President.

I believe the House leadership abdicated a legal and constitutional opportunity in rejecting the Vice President's request for an investigation of the allegations against him. The reason was plain and simple politics. An investigation by the House could lead to impeachment or to exoneration. The House leadership does not want to accord Mr. AGNEW the possibility of exoneration

which is not the most likely conclusion of any investigation.

The House leadership would prefer to leave the Vice President to roast on the proverbial spit which is being fired by leaks, accusations, speculation, and political gossip. He has already been politically skewered and, if he were an ordinary politician, he would be all done, by now. But Mr. AGNEW is durable and popular and not easily daunted. He has been politically barbecued before by experts, but he has survived.

The House is using a lame excuse that "the matter is in court" to avoid doing its duty and to permit the continued roasting of the Vice President hoping that somehow he can be mortally wounded as a national political leader.

I must give the Vice President higher marks for trying to save our constitutional system and for defending his office than I can give to the House because the House is again shirking its duty and again abdicating its opportunities or responsibilities to another branch of Government, or to the national media, or to political partisanship, or to apathy.

The House may not want to protect, help, or simplify matters for this Vice President; but it should jealously safeguard the Vice-Presidency now and for the future.

If the House wants to expedite or clear the way for an indictment of Mr. AGNEW, let us immediately consider impeachment so that the constitutional protection of the Vice President from grand jury indictment can be obviated.

If we are going to impeach, let us get on with it expeditiously. But let us first know and understand the facts upon which we are going to base our impeachment. To know and understand, we should investigate thoroughly and comprehensively. If we expect to be timely and fair, now is the time to begin the investigation.

This is an instance where the House has an opportunity, and therefore a responsibility, to cooperate with the judicial branch and the executive branch. If the court wishes to indict the Vice President and the Vice President requests the House to investigate the rumored charges against him, then the House could do no wrong, usurp no prerogative of another branch, violate no law, or abdicate no responsibility or duty of the House by undertaking such an investigation forthwith and pursuing such investigation diligently and conscientiously.

On the other hand, if the House does not act promptly it could truly be argued that the House has missed an opportunity, ducked a responsibility, and failed in our duty to ourselves, to the court, to the Vice President, to the American people, and to our system of government. The system can function if we permit it.

We should grant Mr. AGNEW's request. He is acting to uphold the Constitution, to protect the Vice-Presidency, and to preserve our system in the public interest.

We should cooperate in the same spirit. On too many past occasions the House has abdicated its responsibilities to the courts or to the Executive. We should not abdicate again.

Some functions of the three coequal

branches of our Government are mutually exclusive. But some functions require cooperation and concurrent action. Let it not be said that the House had, but missed, an opportunity to cooperate with the other branches in a critical constitutional crunch.

By undertaking the requested investigation, the assurance of a fair court trial for the defendant is obviously jeopardized. But I believe a defendant can waive his rights including those that might be jeopardized or lost by a congressional investigation. At least the leaks and rumors and unsubstantiated charges would be verified or shown to be false or baseless.

If we are at all interested in safeguarding the function of the office of the Vice President, we should not be tolerating the current treatment of Mr. AGNEW.

There are those who count themselves as friends and admirers of the Vice President and want him to take only the procedural steps that will vindicate himself. "Without vindication AGNEW is dead politically," they say. Under this thesis, he must immediately request that an indictment be filed and served, plead not guilty, go to trial and win. I disagree. I reiterate that Mr. AGNEW has a larger responsibility than vindication of himself. He must act to protect the office of the Vice-Presidency. This responsibility requires Mr. AGNEW to insist upon impeachment and conviction before he tends to his own vindication.

The Congress has several protections that I feel a strong obligation and responsibility to safeguard regardless of how the effort may appear to embarrass me as an individual person or a Congressman. One such prerogative is "immunity from detention" while proceeding to the Capitol. I trust I shall never be required to assert this congressional prerogative for myself, but if the occasion occurs I shall certainly assert every personal effort to preserve this special prerogative of the Congress, which could be essential to the proper functioning of the Congress and must be jealously defended.

Another congressional prerogative is immunity from libel in speeches uttered on the House floor. I also trust I shall never be required to invoke this special prerogative. However, if the time and occasion arises, I shall vigorously defend this prerogative. Few others are likely to rise to the defense of this "special protection" of the Congress, but it is essential to our system.

For the Vice President and the President to perform their unique duties for the people they need certain protections. These I believe are given by the Constitution which I consider to be an inspired document and one of the most ingenious works of mankind. Some parts of the Constitution have not been tested. The prerogatives of the Vice President and the President are now being tested and honed—in several courts, in the crucible of public opinion, in the power play between the branches of the Federal Government, in the intense partisanship of the politicians, in the academies of political scientists, and elsewhere.

Because of the nature of the times, the faultfinding syndrome which seems to

have afflicted us, and the accusatory attitudes which enjoy such current popularity, the resolutions of our constitutional crises may come grudgingly.

#### HOUSE OF REPRESENTATIVES SHOULD RECONSIDER VICE PRESIDENT'S REQUEST IN THE INTEREST OF THE COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, in the days since the Vice President requested the House of Representatives to undertake a comprehensive inquiry into the charges against him, I have spent a great deal of time thinking about his request and reviewing the legal interpretations, scholarly opinion, and numerous syndicated columnists' views of this matter. Without question, it is fraught with constitutional interpretations of great magnitude which only the Supreme Court will be able to resolve.

However, it seems to me that the primary reason for granting the Vice President's request is grounded in simple logic, and that is every effort must be made to resolve the matter in the most expeditious manner possible in the interest of both the Vice Presidency and the country.

The distinguished constitutional scholar, Alexander Bickel of Yale, addressed himself to this issue in the current New Republic. It is his position—eloquently postulated and documented—which has had the most significant impact on my position. As Bickel concludes:

It is a fact of life that the Vice President could suddenly succeed to the presidency at any moment, an act of commission or omission that tends to prolong the period of uncertainty about the charges against him is inexcusable if at all avoidable. The simple reason, therefore, why it is in the highest national interest that a select committee of the House begin its inquiry immediately is that to do so may in the end save time.

Mr. Speaker, the Vice President of the United States deserves the comprehensive, speedy, and impartial inquiry by the House of Representatives which he has requested. My friend and colleague from California (Mr. McCLOSKEY) dealt at length yesterday with the legal issues involved. I associate myself with his remarks and urge the Judiciary Committee to take prompt action on the several applicable resolutions before it.

#### THE SPEAKER'S DECISION

I am disturbed that the distinguished Speaker of the House, Mr. ALBERT, summarily dismissed the Vice President's request. The gravity of the situation with which both the Vice President and the country are faced demands that the matter be subject to serious deliberation and decision by the whole House, certainly not by the exclusive and precipitous determination of the Speaker.

#### JUDICIAL DELAY ILL-SERVES THE NATION

A formal inquiry by the House is essential at this time because the country cannot afford the interminable delays and open-ended judicial remedies available

to a Vice President. It appears now, in fact, that it will be sometime before the Vice President's indictability will be known. Considering the fact that the Vice President's responsibilities are ongoing, and the fact that the Vice President could accede to the Presidency at any moment, it seems to me that all proper and possible steps be taken to resolve this potentially dangerous national dilemma.

#### IMPEACHMENT EXCLUSIVE REMEDY

Recognizing the diversity of judicial interpretation before us, I personally find the interpretation that impeachment is the exclusive remedy against the Vice President sound. There can be no doubt that the Vice President of the United States must be constantly in a state of preparedness to assume the responsibilities of the Presidency, and thus the security of the Nation and the free world. The demands of a Vice President facing criminal proceedings certainly does not help the Vice President maintain a proper state of readiness for potential future responsibilities. A House inquiry therefore seems the logical method by which we can determine if the Vice President should continue to perform his constitutional functions. There is, I think, much validity to the point that the Constitution itself lends the inference that impeachment was contemplated as preceding criminal action against a civil officer of the United States.

#### Article I, section 3, paragraph 7:

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States, but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

#### THE HOUSE VERSUS THE COURTS

The Speaker of the House, Mr. ALBERT, contended in his summary dismissal of Mr. AGNEW's request that it would be inappropriate for the House to undertake any inquiry of this kind while the matter is before the courts. It seems to me that the responsibilities of the courts and the Congress are separate. There is nothing in our law which prevents a congressional investigation at the same time as criminal proceedings are in progress. Certainly the ongoing efforts of the Watergate Committee working in tandem with several grand juries affirms that fact. As Congressman McCLOSKEY put it in this well yesterday—

Justice under law and proper legislative inquiry are of equal importance to the Nation; they are of equal responsibility under the Constitution; and neither should be delayed save perhaps in the rare case where they might be prejudicial to the other.

#### And William S. White explained:

For the House therefore to say that it really cannot intervene 'because the matter is in the courts' in a staggering cop-out of double-talk. After all, the fact that the matter is indeed "in the courts" is Agnew's whole point. He is appealing to the House to acquit him or to impeach—that is to indict—him because in his view the courts could not legally do so.

#### CONCLUSION

Mr. Speaker, it seems to me, that the case for commencing a congressional in-

quiry of the Vice President is sound. First, the question of determining if a congressional inquiry is to take place requires the deliberation of the whole House. Second, I believe impeachment to be the exclusive remedy against a sitting Vice President. Third, the country can ill-afford a lengthy judicial process in the case of the Vice President. And last, I find nothing in law which prevents the simultaneous occurrence of a congressional investigation and criminal proceedings.

It is therefore of fundamental national importance that the Vice President be given the impartial and comprehensive inquiry which he has requested from this body.

Mr. Speaker, the distinguished constitutional scholar Alexander Bickel, presents a careful analysis of the situation before us:

#### THE CONSTITUTIONAL TANGLE

A bit of tension in the Agnew case was released last Wednesday, the 26th, but the path along which a resolution can be reached is far from clear as yet. Attorney General Richardson has authorized grand jury proceedings. But this means only that the evidence accumulated by the United States attorney in Baltimore and the witnesses he has interviewed will now be rehearsed and presented before the grand jury. The grand jury, under the guidance of the United States attorney and of Attorney General Richardson, may then dismiss the charges or vote an indictment. The attorney general, however, has not indicated what his course of action would be should an indictment be voted. He must authorize signature of it by the US attorney if the matter is to proceed to trial. Else it cannot and the indictment is a nullity.

Normally, of course, signature of the indictment is authorized, and trial does follow unless there is a plea of guilty. But in this case a major decision lies between indictment and signature. The question for decision is whether a sitting Vice President is subject to criminal indictment or must first be removed by impeachment before he can be indicted and tried. The Vice President takes the position that he is not indictable.

The question is an open one. It has never been authoritatively decided and there are no historical materials that shed any particular light upon it. The text of the constitutional provisions is inconclusive. It is said in Article I, Section 3 that the judgment in case of impeachment shall extend only to removal from office and future disqualification for office, and shall not foreclose subsequent criminal indictment and punishment. This language tends to suggest an assumption on the part of the draftsman that impeachment will normally precede criminal indictment. Yet no more than the suggestion of an assumption can be drawn from the language. It does not remotely say that impeachment must precede criminal indictment. A second provision, in Article II, Section 4, merely lays it down that the President, the Vice President and all civil officers of the United States are removable by impeachment.

Since not all men are angels and the framers of the Constitution had this earthy insight firmly in mind, if it were true that impeachment must in all cases precede criminal indictment, then the conclusion would have to follow that the framers intended Congress to be pretty busy with impeachments. For the impeachment clause applies to thousands of federal officers. It is very unlikely that the framers would have wished Congress to devote a substantial portion of its time regularly to the impeachment process; and it is unlikely that they thought

the federal government would long remain small enough so that the impeachment business would constitute only an occasional and minor burden. The more reasonable supposition, therefore, is that in the ordinary case of criminal misconduct by federal officials, impeachment was not viewed as a necessary first step, and indictment prior to impeachment was not foreclosed. Practice has long conformed to this reasonable supposition. Federal officials, including judges, are indicted prior to resignation if necessary and impeachment has been a rarely used procedure.

The case of the President, however, is unique, and it is strongly arguable that the Vice President partakes of the uniqueness of the President. In the presidency is embodied the continuity and indestructibility of the state. It is not possible for the government to function without a President, and the Constitution contemplates and provides for uninterrupted continuity in that office. Obviously the presidency cannot be conducted from jail, nor can it be effectively carried on while an incumbent is defending himself in a criminal trial. And the incumbent cannot be replaced or suspended or deprived of his function as President while he is alive and not declared physically disabled, as he now may be under the 25th Amendment. (That the 25th Amendment applies only to physical disability is clear from its legislative history; the amendment would be a dangerous instrument indeed if it were otherwise.) Hence a sitting President must be impeached before he can be indicted.

The necessary continuity of the presidency depends also on the availability of the Vice President, because upon the death or physical disability of the President the Vice President—if there is one—automatically succeeds. Thus the continuity is never broken; discharge of the function is never interrupted. While the Vice President is alive and still in office, even if he is in jail or in the midst of a criminal trial, there is no way under the Constitution to provide for any other succession to the presidency than the Vice President's. Other successions can be provided, and have been by statute, to take care of the case of there being no Vice President at a time that a vacancy opens in the presidency. But no succession other than the constitutional one by the Vice President can be provided for if a Vice President is in office, which he is so long as he is alive. If the continuity of function in the presidency therefore requires that the President must first be removed through impeachment before he can be indicted, then it follows—or at least it can be strongly argued to follow—that the Vice President must equally first be impeached before indictment. It is not that there is equally a need for continuity in the office of Vice President as in the presidency. It is rather that while he is alive the Vice President cannot be bypassed in arranging the succession to the presidency, and if he is indictable before impeachment, it may turn out that a Vice President who is in the midst of a criminal trial or has been convicted or is serving a sentence, suddenly and unavoidably becomes President. This is not a consummation to be regarded with equanimity.

Since he is taking both the position that he is not subject to indictment and the position that he is innocent, will remain in office and seeks authoritative vindication, the Vice President has naturally made a request to the speaker of the House that the House, whose function it is to commence impeachment proceedings, if any, begin an investigation of the charges against the Vice President. The speaker has replied he would take no action for the time being. That is highly regrettable. The national interest dictates that the House act, by appointing a select committee to take evidence after the fashion of a

grand jury, in private. It will necessarily be a while before the legal question of the Vice President's indictability can be resolved. It may be and it probably ought to be resolved in favor of the Vice President. Should that be the outcome, the House will be required to act. Since in the meantime it is a fact of life that the Vice President could suddenly succeed to the presidency at any moment, an act of commission or omission that tends to prolong the period of uncertainty about the charges against him is inexcusable if at all avoidable. The simple reason, therefore, why it is in the highest national interest that a select committee of the House begin its inquiry immediately is that to do so may in the end save time.

#### SOVIET JEWS—THE ISSUE IS HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, I would hope that we have learned the lessons of history well and will not remain silent as terrorists impose their will upon a sovereign nation and cause untold hardships to already overburdened Soviet Jews attempting to reach Israel.

The cause of humanity, of human freedom and dignity, transcends national boundaries; for, in the words of John Donne, we are "all involved in mankind." The decision of the Austrian Government, made under the duress of Arab terrorists threats against hostages, to close Schoenau Castle to Soviet Jews enroute to Israel is of grave concern to all. It is a decision which I sincerely hope will be reviewed and reversed.

The United States, through our Department of State should exert every effort to right this wrong. To surrender to the tyranny of terror is to invite further terrors for all free peoples. Have we so soon forgotten the lessons of the 1930's?

I am reminded of the words of Pastor Niemoeller:

In Germany, the Nazis first came for the Communists, and I didn't speak up because I was not a Communist. Then they came for the Jews, and I did not speak up because I was not a Jew. Then they came for the Trade Unionists, and I didn't speak up because I wasn't a Trade Unionist. Then they came for the Catholics, and I was a Protestant so I didn't speak up. Then they came for ME . . . by that time there was no one to speak up for anyone.

For that reason, Mr. Speaker, this one Member of the House must speak out against this latest injustice against Soviet Jews, this latest transgression of human rights.

#### THE SHARPSTOWN FOLLIES— XLVIII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, early in 1971 the Texas financial empire of Frank W. Sharp blew apart. It was a shocking event—insurance companies were found to have been looted and milked; Sharp's banks were discovered to have been

shorted out of millions of dollars in cash; there were stock frauds and payoffs involving the biggest political names in the State. The Sharpstown scandal was the biggest scandal to hit Texas in many years, and it shook the State to its very foundations.

During the winter and spring of 1971 it looked as if the Federal Government would prosecute Sharp and his gang for a long series of crimes. It is impossible to describe how shocking it was to Texans that in mid-June the Department of Justice handed Frank Sharp himself a grant of immunity. Here was the central figure in the most bizarre, extensive, and shocking financial crimes in Texas history, walking away from the case with a guarantee of immunity.

Investigators for the Securities and Exchange Commission reacted to Sharp's immunity grant with expressions of dismay and disbelief—but their protests were quickly silenced. Privately, though, SEC investigators would say, as one did to me, that thinking of Sharp's immunity was "like looking in the mirror and finding that I've got cancer." In other words, letting Sharp off the hook guaranteed that the big culprits in the case would get clean away. And that is exactly what happened.

I said on June 16, 1971 that in the Sharp case—

The big one got away. The people will never know what happened at Sharpstown, or why. Justice is the loser. And the Department of Justice lost deliberately.

In 47 speeches to the House, I showed how the Department of Justice had bungled the case, either because of a desire to protect its own Assistant Attorney General Will Wilson from exposure, or from a desire to prosecute leading Texas political figures, whom they were counting on Sharp's testimony to convict. But only one conviction of a political figure was obtained, and that without Sharp's help. Wilson's role in the Sharp empire was exposed, and he was asked to resign his post.

On August 20, 1971, I wrote Attorney General Mitchell to ask that Wilson's role in the Sharpstown case be investigated, and to warn that the handling of the case endangered the integrity of the whole Department of Justice. In that letter, I said:

It is alleged . . . that the entire handling of this case has been based primarily on political considerations. If that is what has been done I see no reason to believe that you either have respect for the law nor hope that public confidence can be maintained in your Department.

Attorney General Mitchell never even acknowledged my letter. I wrote him again, on September 22, 1971, saying:

This entire situation calls into doubt the integrity of the Department of Justice. I would think that you would be sensitive to a growing scandal of this kind.

This letter was never answered, either. So on October 6, I sadly told the House that Mitchell "may succeed in the short political run, but that success will come at the expense of respect for law and trust in the Department of Justice. Mitchell might never have to answer me,

and I do not care about that; but sooner or later he who today undermines the foundations of the Justice Department will see it crumble about him. Wilson and Mitchell are destroying the very Agency they are sworn to uphold."

Little did I know how prophetic these words were. Here we stand, almost 2 years from the day that I uttered those words, and here is what happened: Wilson resigned in disgrace, Mitchell later had to leave the leadership of the Republican campaign in disgrace, and today stands indicted with the former Secretary of Commerce for criminal offenses including obstruction of justice; and the Department of Justice stands shattered, so much so that a special prosecutor has been appointed to handle affairs that it should have been entrusted with. Our Nation has never witnessed a faster decline of an agency that once was proud to a fault; and our people have come to have little faith in either justice or their government.

The tragedy of the Sharp case is that it marked a major case in which the Department of Justice aimed to carry out a political vendetta by letting a major criminal go, for the sake of whatever testimony he might provide. The moral bankruptcy of this decision must have been clear to those who made it—but they were blinded by their greed. And the consequence of their action was that Sharp never gave them a nickel's worth of testimony. The Department of Justice did not clean out Texas government at all. That was left to the voters, who turned out more than half the legislature, the Governor, the attorney general, and a horde of other incumbents who had been marked by the scandal, whether rightly or wrongly.

I said too that Sharp's immunity was most likely the consequence of bungling on the part of the U.S. attorney in charge of the case, Anthony J. P. Farris. Yesterday, in Federal court, ex-Attorney General Kleindienst testified that Farris had violated his instructions in handling Sharp's immunity, and that he had ordered Farris off the case. It was this same Farris who had accused me of knowing nothing about the case, and having no right to speak about it. Now that Kleindienst has spoken about it, it appears that Farris is the one who knew nothing about the case, and that it was his stupidity that led to Sharp's going free, without ever having to give the testimony that he was supposed to give. I said in 1972:

How did Sharp get away? You might ask Anthony J. P. Farris, who cut the nets through his own incompetence.

Today, it appears, his boss Kleindienst has at last confirmed my judgment—that Farris bungled the case so badly that he had to be taken off it.

As for the role of Will Wilson, the investigation I called for was also requested by Wilson's deputy and successor, Henry Peterson. He never got it.

Of all those involved in the case, Peterson probably knew best what was happening. He knew that Mitchell, Wilson, Kleindienst, and Farris—all political appointees selected by people who valued

loyalty above integrity, were destroying the Justice Department. He might have even sensed that they were destroying themselves, as indeed they did. He might have also felt deep in his heart that these men had the capability of destroying the whole government. As Watergate later proved, such men did have that capability, and succeeded very well in destroying whatever hopes Richard Nixon might have ever had for becoming the great man he hoped to be.

Sharpstown came a long time before Watergate.

I was the only one who recognized and protested what was happening in the Sharpstown case. My claims have been vindicated completely.

I said that Wilson was involved with Sharp, and he has been proven to have been so involved.

I said that the case was handled on a political basis, and that Mitchell was destroying his own department for the sake of political gains, and this has been proved too; and it has been the sad lot of the country to see the Department of Justice corrupted and two successive attorneys general resign just ahead of disgrace, and in one case, just ahead of a criminal indictment.

I said that Anthony J. P. Farris was a bungler and incompetent, and now this has been proved too.

Sharpstown was not like Watergate. It corrupted and ruined everyone around it. And it signaled the kind of cynical, morally corrupt administration that Watergate came to symbolize, and that came near to destroying the very capacity of this government to carry out even its most elementary tasks.

We stand today in the midst of a government corrupted by hordes of ruined little men. We stand in a government paralyzed by ineptitude and lack of leadership. Sharpstown was just a sample of the attractions that were to come. I am sorry to have been so right.

#### DRASTIC CUTBACK FOR LIBRARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, in light of the drastic cutbacks for libraries in the current budget, I believe that we in Congress must make clear beyond question that library resources and services have a high educational, cultural, and scientific value, that our libraries are a national resource we can ill afford to neglect at the Federal, State or local level. The administration, on the other hand, is taking every possible action to see that libraries are eliminated from the Federal interest—the three major library programs have been zero budgeted, the administration is trying to eliminate libraries from the authorizing legislation as well, by attempting to swallow them up in a general category of "support services," and finally, it is my understanding, although no official announcement has yet been made, that the administration plans almost immedi-

ately to wipe out the Office of Education's Bureau of Libraries and Learning Resources, thus removing the major source of technical assistance, evaluation, and leadership which the Federal Government has been providing libraries all across the Nation for many years now.

Although the Eisenhower, Kennedy, and Johnson administrations all recognized and tried to fulfill the Federal Government's responsibility for libraries, the Nixon administration has totally rejected any Federal responsibility whatever for libraries. While previous administrations understood that quality libraries for all Americans depend upon a Federal-State-local partnership, the Nixon administration wants the States and localities to do the whole job. Over the years, the States and localities have assumed increasing responsibility for their libraries, but libraries perform services in the national interest, too, and therefore deserve Federal assistance as well. The States know this, but the administration has apparently forgotten. I would suggest that President Nixon and HEW Secretary Weinberger refresh their memories on this subject by rereading their own State of California's Education Code, which states in part:

The public library is a supplement to the formal system of free public education, and a source of information and inspiration to persons of all ages, and a resource for continuing education and re-education beyond the years of formal education, and as such deserves adequate financial support from government at all levels." (§ 27000, emphasis added)

Libraries, however, remain unimportant to this administration, a most disturbing fact in my opinion.

For this reason, I believe it extremely important that Congress take specific actions, whenever possible, to make clear the value we place upon the services our Nation's libraries perform every day to help American citizens from all walks of life to obtain the information they need to lead productive satisfying lives. We must not allow the administration's limited outlook to prevail. Accordingly, I propose that we take the following steps: First, retain the school library program, ESEA title II, as a separate, identifiable program with funds specifically earmarked for its purposes, just as we have in the past; second, make known to the Office of Education the importance we place upon the Bureau of Libraries and Learning Resources, by asking that this bureau be retained and by enacting legislation to mandate it if necessary; third, make sure that the administration spends and does not impound the funds we have appropriated for the library program; and fourth, hold hearings in Congress to bring together a total picture of the impact of the administration's planned reversal of Federal policy with respect to libraries.

I support and ask my colleagues to consider seriously all these initiatives. It is to the first, however, that I wish to address myself now. As we continue to mark up H.R. 69, the time is fast coming when we must make some firm decisions about program consolidation. I urge my

colleagues to vigorously oppose the "support services" consolidation in H.R. 69 which would in effect eliminate the school library program—ESEA title II. The Federal Government has a responsibility to set certain general educational priorities, to encourage States and localities, without restricting them unduly, to adopt balanced and enriched educational programs for their children. The landmark Elementary and Secondary Education Act of 1965 has been in large part successful, and we can make it even more successful in the future by profiting from the mistakes we made in the past. One of the major impediments to enacting effective education legislation is the lack of information on how well existing programs work. I thought we had learned that lesson from our experience in earlier years with ESEA. And yet, if we agree to endorse consolidation, to create a "support services" category, allowing the States to use funds almost any way they want, we will have even less data on which to evaluate our legislation. How can we expect to know whether Federal dollars are being effectively used when we do not even know what the States are using the funds for? How much will be spent for library resources under "support services," and how much will be spent for guidance? There will be no way to know. We have had experience with consolidation already, and it is obvious to any student of the subject that we lose track of where the money goes. Consider for instance, the counseling and guidance program, the former NDEA title V which we merged with ESEA title III in 1970. This program has not only lost visibility, but it has become next to impossible to determine how or even if funds are being used for guidance and counseling at the local level. How can we expect to assess the effectiveness of Federal library programs if we eliminate the unit within the Office of Education responsible for evaluating these programs? The goals of simplified application procedures and less red tape are goals we all support. Consolidation is not the only way or the best way to approach these goals. Let us stick with the programs we have when they are successful and working well. If we decide to move toward consolidation, let us consolidate programs that are working less well or programs that have been less effective.

I criticize the Bell-Quie support services consolidation for the following reasons:

First. NDEA III was extended last year in the Education Amendments of 1972—Public Law 92-318. It has an authorization through fiscal year 1975, and thus has nothing to do with the present ESEA extension bill. We are dealing in H.R. 69 with the extension of expiring education authorities, and NDEA III does not fall into this class at all. We decided last year to extend the program. We should not reverse ourselves this year.

Second. ESEA title V is consolidated in name only, while in fact funds would continue to be guaranteed for this program so long as adequate funds are appropriated for the consolidation. This

places an unfair burden on the other programs in the consolidation. They, too, should have guaranteed funds.

Third. Aid to private schools, which has been successfully and constitutionally carried out under the school library program—ESEA title II—is placed in jeopardy by the provisions of the support services consolidation. The Supreme Court has held that State aid to parochial schools in the form of maintenance and repair grants is unconstitutional—Committee for Public Education and Religious Liberty et al. against Nyquist et al., decided June 25, 1973—the Court has also held unconstitutional State aid programs providing services in private non-profit schools, such as testing or guidance services. The support services consolidation attempts to provide private schools with equipment, repair and minor remodeling, guidance, counseling and testing services, along with library resources. Litigation is bound to result, and the private school children are bound to be the losers, as all support services assistance would likely be denied them during the lengthy court battles that would ensue.

Fourth. The support services consolidation in part is written in permissive rather than mandatory language, thus allowing the States to spend the consolidated funds for any purpose they choose, see page 53, line 11, for example.

Fifth. The language specifying the appropriation level necessary to trigger the consolidation is vague. Referring as it does to the previous year's aggregate amount, questions arise as to precisely which fiscal year will be the "previous year" by the time this legislation is finally enacted, and questions arise too as to whether the sums actually appropriated by Congress are to apply, despite the ensuing vetoes, or whether appropriations can be construed instead to refer only to funds obligated, ignoring the unprecedented impoundment of appropriated funds that has occurred this year and last. Impoundments, vetoes, and continuing resolutions have so skewed the appropriations process in the area of education, that imprecise language such as that referring to "the aggregate amount appropriated for obligation during the preceding fiscal year" is totally unacceptable, page 38, line 6.

Sixth. The State advisory councils that would be required under the proposed consolidation need not have any representatives from the library-media community, despite the fact that in terms of appropriations the largest single program to be folded into the support services consolidation is the school library resources program.

Seventh. The support services consolidation would merge a matching program—NDEA III—with nonmatching programs, with the result that this feature of NDEA III would be lost. The matching requirements under NDEA III have required local school districts and State legislatures to put up some of their own money to qualify for NDEA III grants. A number of States have adopted variable matching provisions which make

it easier for the poorer districts to acquire much needed equipment, by requiring a lower match from them and a correspondingly higher match from the richer districts. My own State of Michigan is one of those that allows variable matching.

Eighth. The support services consolidation would bring an end to two highly successful programs: the school library program, and the equipment and minor remodeling program. They are popular at the State and local levels, both work well at low administrative costs. They are enabling schools to update library resources, laboratory and audiovisual equipment, providing these materials to many school districts for the first time. All the Nation's school children are benefiting from these programs. It simply does not make sense to terminate such successful and popular programs in favor of "support services" which at best can be viewed as a pig in a poke, with no guarantees of success.

#### THE CASE OF BORIS PENSON ET AL.

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 am delighted that the House Ways and Means Committee has included in the 1973 trade bill the Mills-Vanik amendment as a means to convince the Soviet Union that this country will not tolerate its repressive emigration policies, directed mainly against Soviet Jews. It is now incumbent upon the House as a whole to see that this amendment remains in the final version of the trade bill that is ultimately signed into law.

Last week, I and several other Members joined in a special order on the Mills-Vanik amendment. Until the amendment becomes law, we will continue to bring to the attention of our colleagues and to the American people cases of the Soviet Union's harsh treatment of Jews desiring to emigrate to Israel or to the United States. Taken together, these cases offer a compelling argument for enactment of the Mills-Vanik amendment, through which our own country can act to preserve its commitment to the principles of freedom and human dignity.

Last April, I wrote to Ambassador Anatoly Dobrynin urging that he intercede on behalf of Mr. Boris Penson, a young Soviet Jewish artist who was sentenced in the "Leningrad Trial" of December 1970 to 10 years in a Soviet labor camp. The case of Boris Penson first came to my attention several months ago when several of his paintings, which had been smuggled out of the Soviet Union, were exhibited in my own district on Long Island. I was amazed at the high quality of these works and the genuine talent which they reflected in such a young artist. In fact, critics much more knowledgeable about the arts than I, who had the opportunity to see Mr. Penson's paintings either in the United States or Canada, acclaimed the work as

highly original and first-rate. It is indeed a tragedy that Boris Penson's talents and energies are now being wasted by his imprisonment in a Soviet labor camp.

Before his incarceration, Mr. Penson had been actively seeking to emigrate to Israel. Not only was he denied permission, but his desire to emigrate seems to have been the major reason for his trial and confinement, like so many of the other defendants in the tragic 1970 hijacking trial in Leningrad. Boris Penson's father died recently, after serving 2 terms in a labor camp; his mother is now seriously ill. When I wrote to Ambassador Dobrynin, I urged his sympathetic attention to the case of Boris Penson, yet I did not even receive an acknowledgment of my letter.

The case of Boris Penson is only one of several hundred that even reaches the ears of the Western world. The New York Times reported last week that there are nearly 600 U.S. emigrants in the Soviet Union who cannot obtain permission to return to the United States either on grounds of their American citizenship or to join American relatives. Despite the Soviet Union's professed spirit of cooperation with the United States, they have been unwilling to ease their discriminatory emigration policies and the harassment of Soviet Jews in particular continues undaunted.

Mr. Speaker, at this point in the RECORD I would like to bring to the attention of my colleagues an appeal addressed to the U.S. Congress by over 85 Soviet Jews from Moscow and Vilnius urging enactment of the Mills-Vanik amendment. The appeal was delivered by a phone message from Russia to the National Conference of Soviet Jewry here in Washington and asked to be forwarded to the U.S. Congress. The text of the appeal and the names of those who submitted it follow:

#### APPEAL TO U.S. CONGRESS BY JEWS FROM MOSCOW AND VILNIUS

To: The Congress of the United States.

You will be taking a decision on which our fate will depend. Therefore we consider it our duty to express with all clarity our appraisal of the situation and our position.

Some circles in the West claim that the Soviet Jews applying for emigration to Israel are afraid that they will be subjected to repressions if the Congress passes the Jackson/Mills-Vanik Amendment to the Trade Bill, and that the emigration will stop. It is also claimed that the Amendment constitutes an intervention in the internal affairs of the USSR and would only hinder the development of trade and cooperation and, consequently, the relaxation of tension throughout the world. We categorically disagree with such statements.

"Quiet diplomacy" has not yet brought about any tangible results. The lists of names of Soviet Jews denied permission to emigrate brought to Moscow by the American Administration remains unattended. The revocation of the education tax was not a result of "quiet diplomacy" but rather a result of open and wide protests.

What does the Amendment speak about? Only that the Soviet Union should observe its constitution and the General Declaration on Human Rights which it signed. Can the recognition of our personal rights, which you consider to be elementary and vitally neces-

sary for yourself, be a hindrance to the development of freedom among nations?

This is our answer to those who say that we fear intensification of repression against us by Soviet officials in revenge for U.S. Congressional passage of the Amendment to the Trade Bill: Only we ourselves have the moral right to control our fate. We stand for a consistent, open fight of principle for our civil rights. Fears for our personal security resulting from humanitarian feelings of the American people should never be a reason for giving up this struggle.

The refusal of the representatives of the American people to pass the Amendment would be a deviation from the noble principles of true humanitarianism, a capitulation to unscrupulous "blackmail, and a first step in the chain of further retreats.

Signed by the following Jews:

From Moscow: Iosif and Dina Beilin, Miriam and Ada Form, Victor Valtsov, Mark Lvovsky, Aleksander, Vladimir and Sofia Lerner, Boris Levin, Judith Perlman, Kirill Henkin, Irina Kanevskaya, Mark Nashpits, Moisey Belfor, Ilya Korenfeld, Lev Kogan, Arkady Ryuman, Natan Kolchinsky, Grigory Toker, Iosif Begun, Pavel Abramovich, Marta Balashinskaya, Vladimir and Elena Prestin, Lev Levitin, Aleksander Lunts, Mikhail Agursky, Ilya Privonotsky, Victor and Elean Polsky, Veniamin and Aleksander Levich, Semion Priven, Tatyana Rubinshtain, Valentine Koreshkova, Zhanna Rostomova, Victor and Irina Brailovsky, Aleksander Temkin, Leonid Koshevoy, Boris Ainbinder, Victor Papidus, Genrietta Shpolyanskaya, Aleksander Lekhtman, Dmitry Shchiglik, Tatyana Svetlova, Mikhail Plotz, Isak Dimshits, Vladimir, Maria and Aleksander Slepak, Leonid Tsipin, Boris Tsitlenok, Aleksander Rayfeld, Anna Shmukler, Olga Rutman, Mikhail Kerbel, Vladimir Vagner, Kiril, Elena Shrotkina, Valery and Valeria Krizhak, Yuri and Alla Berkovsky, Zakhar and Rima Tesker, Anatoly and Bella Novikov, Solomon Insitsky, Khoma Insitskaya, Mark Novikov, Ida Nudel, Yuri, Savely and Miryam Vasserman, Vladimir Ahakhnovsky, Iona Kolchinsky, David Azbel, Lev Gindin, Yakov Pisarevsky, Veniamin Gorokh, Gregory Svechinsky.

From Vilnius: Eitan Finkelstein, Vladimir Drot, Zelik Gafanovich, Ekheskial Kalk, Yoram Kenigsberg, Veniamin Gotlib.

Mr. Speaker, it is crucial for us to realize the strength and courage of these Soviet Jews who may very well be risking their lives by appealing so openly to the U.S. Congress. I hope the House will stand firm on the Mills-Vanik amendment as an indication that the American people will not barter trade or political concessions for basic human rights and values.

#### ASSISTANCE FOR LAW ENFORCEMENT AGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIS) is recognized for 10 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, yesterday I introduced legislation, H.R. 10645, which I feel would furnish much needed assistance in the fight against crime in this country. Much effort and many millions of dollars have been spent in strengthening law enforcement agencies in the solving of crimes and also in the training of police personnel. While I fully support these efforts, I think it goes without saying that the full cooper-

ation of the private sector should be utilized and the legislation I have introduced would further guarantee their support.

The bill would furnish much more than training seminars and public awareness programs conducted by public agencies. My legislation would offer incentives that the American people know and understand; that being a saving in their pocketbook. H.R. 10645 would provide a tax credit against the costs of defined security device systems installed on the owner's private or business establishment. Such devices could include proven burglary alarm systems, heavy duty plate glass windows, iron bars, increased outside lighting fixtures, and many more such crime preventive items.

In my discussions with law enforcement agencies in my district, they have confirmed that crime incidents could be substantially lowered by the installation of such devices and that they were more than willing to conduct seminars with business and community leaders advising them what they could do to protect their establishments and what items could qualify for the tax credit.

An example of what could happen is for the owner of a jewelry store to install plexiglass storefront windows in lieu of the standard glass fixtures. With this type window, a burglar would find it very difficult to simply break it, grab the displays and disappear before a patrol car arrives, which is usually the case. Under the present system, the store owner does not like the burglary, but in most cases he is not greatly concerned because he knows his insurance will cover the loss. An additional incentive for this store to install such a device could conceivably be a substantial decrease in his insurance premiums because of the installation. Again I am talking about financial savings, and I feel that money is a great incentive for the American citizen to participate in anything. We have seen automobile insurance lowered because of the installation of safer bumpers, and I feel that the insurance industry would cooperate in their home and business coverage if such legislation became law.

In closing, Mr. Speaker, let me assure the critics who would say that this legislation would rob the Federal Treasury of much needed currency, because the indirect costs savings to the Government would more than compensate for credits being given. It is time that this country gave the law enforcement agencies in this country this form of assistance in order that they can not only apprehend law violators, but to protect the innocent public by more effectively preventing criminal activity.

#### RESOLUTION EXPRESSING CONCERN AT THE SUPPRESSION OF DISSENT IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I am pleased to announce that a bipartisan group of 50 Members of the House have joined to sponsor House Concurrent Resolution 300, which urges President Nixon to express the grave concern of the American people over the repression of dissidents in the Soviet Union and the harassment of that country's citizens who wish to emigrate.

This is a complex issue, Mr. Speaker, one involving delicate questions of America's role as a spokesman for political liberties, of our attempts to formulate new trade agreements with the Soviet Union, and of international political questions now embroiling almost every Western nation as well as the countries of the Middle East.

And as the days go by, the situation becomes even more complex.

Surely the recent Arab terrorist attack against Jewish emigres traveling through Austria has exacerbated the problem.

But, Mr. Speaker, that unconscionable breach of international law has also served to bring to the public eye the suffering of individual Soviet citizens who in many cases have risked their lives to obtain humanitarian justice and a measure of dignity denied them in their homeland.

We must not lose sight either of the haunting spectacle of those Russian writers, scientists, and academics subject to debasing political trials and outrageous prison sentences simply because they have expressed ideas contrary to the official Government line.

Numbered among that group are novelist Alexander Solzhenitsyn, physicist Andrei Sakharov, economist Viktor Krassin, and historian Pyotr Yakir.

Mr. Speaker, House Concurrent Resolution 300 would call upon President Nixon to use the opportunity of trade negotiations—an opportunity at hand with Treasury Secretary Shultz at this very moment—to work toward an end to Soviet suppression of free speech and government-sanctioned anti-Semitism.

I would urge my colleagues to give their earnest and immediate support to this measure, as well as to the Jackson-Mills-Vanik amendment which calls for withholding most favored nation status and investment credits from any nation which refuses its citizens the right freely to emigrate.

Mr. Speaker, the following is a list of the cosponsors of House Concurrent Resolution 300: Ms. ABZUG, Mr. ANDERSON of California, Mr. ANNUNZIO, Mr. BADILLO, Mr. BELL, Mr. BIAGGI, Mr. BOLAND, Mr. BRASCO, Mrs. CHISHOLM, Mr. DELANEY, Mr. DRINAN, Mr. EDWARDS of California, Mr. ESHLEMAN, Mr. FASCELL, Mr. FISH, Mr. FRASER, Mr. FREY, Mr. GILMAN, Mrs. GRASSO, Mr. GUNTER, Mr. HARRINGTON, Mr. HAWKINS, Mr. HAYS, Miss HOLTZMAN, Mr. HOWARD, Mr. ICHORD, Mr. KEMP, Mr. KOCH, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MADDEN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. NEDZI, Mr. OBEY, Mr. PEPPER, Mr. PEYSER, Mr. PODELL, Mr.

RANGEL, Mr. REES, Mr. REID, Mr. ROE, Mr. ROYBAL, Mr. SARBANES, Mr. THOMPSON, Mr. WALDIE, Mr. WHITEHURST, Mr. WOLFF, and Mr. YATES.

Mr. Speaker, the following is the text of House Concurrent Resolution 300:

H. CON. RES. 300

*Resolved by the House of Representatives (the Senate concurring),* That physicist Andrei Sakharov, novelist Alexander Solzhenitsyn, historian Pyotr Yakir, economist Viktor Krasin, and other citizens of the Soviet Union have demonstrated enormous courage and intellectual honesty in advocating and defending the importance of fundamental civil and political liberty, the necessity for the free and unrepressed dissemination of ideas, and the meaning of basic human decency although faced with increasing harassment and imminent danger of criminal sanction;

That the intensive and thorough campaign of the Soviet Government to intimidate and deter those who have spoken out against repression of political and intellectual dissent profoundly offends the conscience of a free people; and

That recent incidents of Soviet Government-sanctioned anti-Semitism violate internationally agreed-upon principles of human rights, including free emigration and free expression of ideas.

It is, therefore, the sense of the Congress that the President should take immediate and determined steps to—

(1) impress upon the Soviet Government the grave concern of the American people with the intimidation of those within the Soviet Union who do not adhere to prevailing ideology;

(2) call upon the Soviet Government to permit the free expression of ideas and free emigration by all its citizens in accordance with the Universal Declaration of Human Rights; and

(3) use the medium of current negotiations with the Soviet Union as well as informal contacts with Soviet officials in an effort to secure an end to repression of dissent.

#### A GRAVE PROBLEM IS DEVELOPING AT OUR AIRLINE TERMINALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, it has come to my attention that a grave problem is developing rapidly at our airline terminals. Since last summer, the airline industry has been installing X-ray systems to inspect hand baggage that are not only potentially dangerous to the health of airport personnel and passengers but also may offer less protection against hijackers than the previous system of hand inspection.

The Federal Aviation Administration has sanctioned the installations of these X-ray systems and has to date approved seven systems for use, one of which does not yet have a demonstrator model. Yet, the Agency has ignored the necessity for requiring any safety standards for these devices and has done nothing to insist that the Bureau of Radiological Health set enforceable standards for them. To date, there are no mandatory Federal safety standards for the design, manu-

facture, operation, or maintenance of these machines.

At the very least, one would have expected the Federal Aviation Administration to have evaluated the pros and cons of these inspection systems with a thorough cost-benefit analysis. But the FAA has apparently no evidence to determine whether or not an X-ray system can do the job of inspection better than—or indeed as well as—hand inspection, as there is reason to suspect. The FAA has no figures comparing the efficacy and risks of the two methods.

So that others may know in more detail the extent of the seriousness of this problem, I would like to submit for the RECORD a copy of a letter to the Administrator of the FAA prepared by Ralph Nader and Reuben Robertson who are associates of the Aviation Consumer Action project:

OCTOBER 1, 1973.

HON. ALEXANDER P. BUTTERFIELD,  
Administrator,  
Federal Aviation Administration,  
Washington, D.C.

DEAR MR. BUTTERFIELD: We continue to be deeply concerned about the FAA's regulatory abdication which has encouraged the airline industry hurriedly to install x-ray systems for the inspection of personal carry-on articles and hand baggage. This will briefly summarize the major points covered in our recent meeting with you.

Any new source of man-made radiation in our living environment poses some degree of potential threat to the health and safety of both present and future generations. Obviously such new sources should not be introduced until we have a reliable evaluation of how great the risk potential is, and unless it is clear that the benefits to be derived substantially outweigh the costs. By either of these criteria, rational decision-making would require an immediate cessation of all x-ray system installations and operations.

The FAA has to date approved seven x-ray systems for installation and use by air carriers in the nation's airports. These are American Science and Engineering (AS&E) "Micro Dose X-ray Inspection System"; Astro-Physics "Scan Ray X-ray System," Model 0462; Baird-Atomic "Film Safe IV X-ray System"; Bendix Ray Airline Hand Baggage Inspection System; Norelco "Safe Ray SR-402 System"; Philips Electronics "Dynafluor III" Baggage Inspection Unit; and Heirmann/Teltron Model GPA-72 Baggage Inspection Unit. Hundreds of these systems are now being installed by the airlines throughout the nation, at a cost of some \$5 million or more.

Despite the admonition of the Bureau of Radiological Health that there is increasing concern at both state and federal levels "with the need for effective and uniform controls on x-ray baggage inspection systems which will assure adequate radiation protection for operators as well as the general public," no mandatory federal safety standards exist for the design, manufacture, operation or maintenance of these appliances. There is no requirement whatever that passengers be informed of the use of x-ray systems, that the system not damage film, magnetic tape or other personal effects, that airline employees or passengers be adequately shielded from possible x-ray exposure, or that operators be trained or tested in the handling and hazards of X-radiation. The FAA has indicated that any governmental inspection or safety testing of the systems

will have to be done by the states, most of which are unwilling or entirely incapable of adequately meeting this unwelcome burden.

What are the claimed benefits of using the x-ray inspection devices? The basic purpose, of course, is to reduce or eliminate the threat of hijacking of commercial flights. Since the CAB has permitted the carriers to pass on their costs associated with such security measures through the surcharge on passenger tickets, the only assessable justification for these systems from the FAA's perspective must be an increase in the efficacy of inspections over the existing methods.

Let us consider, then, what kind of improvement might be accomplished by using x-ray systems instead of physical inspection—a method which has proved immensely effective in eliminating hijacking since there has been not a single domestic hijacking to date from the inception of mandatory searches at the beginning of this year. The approved x-ray units are unable to perceive less than a 24-gauge insulated copper wire target and thus will be blind to numerous potentially lethal articles (plastics, gases, acids, for example) which may be used in airborne crimes. Even then the target resolution of the x-ray units is mediocre at best, and in some cases items may be missed depending upon placement in the baggage.

The systems have no alarm mechanisms to alert their operators to suspicious or prohibited articles. This is a particularly serious problem because of the mesmerizing effects of watching the picture tube for extended periods, and because the operators may be distracted by other things. Since our discussion with you we have made at least four field trips to watch these systems in operation, and there can be no question that operator distraction and fatigue do tend to lessen significantly the level of attention paid to the screen.

It seems clear to us that the x-ray systems are inherently less effective in accomplishing the inspection objectives than the physical search method, and in our view the change-over will tend to reduce rather than increase the level of airline security. In any event, there is no evidence whatever that x-ray is superior to physical search. The real motive for substituting the new appliances would therefore appear to be a public relations consideration—replacing a slight but perceptible inconvenience and delay to passengers with virtually invisible but potentially hazardous technology. This indeed seems to be the principal justification in your September 14 letter. But is the passenger objection point an adequate reason to rush forward with this program? In practice, the physical searches have been extremely well accepted by passengers. Thanks largely to exceptionally courteous and efficient treatment by the airline employees and to public appreciation of the security problem, the passenger outcry predicted last year has never materialized.

Just as the affirmative case for installing x-ray inspection systems is pathetically weak, the arguments in opposition are devastating:

Many of the machines have no shielding at all, and x-rays may be scattered throughout the vicinity. The shielding which is installed on some of the machines may shift and be rendered less effective if and when the systems are moved.

Some of the machines are designed in such a way that the operator's hand or arm may be put directly into the beam.

These appliances present an unmeasured but real threat to the health of the employees operating them. Operators may be subjected to a substantial accumulation of relatively small radiation doses over extended periods.

Levels of up to 120-150 mR exposure per week have been recorded in some cases. The effects of this kind of exposure are disturbing.

No film badges or other monitoring is required for the protection of employees (or, for that matter, of passengers), and the FAA has established no hours of service standards for operators handling this radiation.

State regulatory programs are seriously inadequate, and some have no programs at all. In some cases state agencies have already been subjected to extreme pressures by airlines and system manufacturers seeking approval for particular installations. We have received several complaints from concerned manufacturers and air carrier personnel about the severe regulatory void.

Many of the machines in use today and being installed do not meet even the minimal and non-mandatory guidelines issued by the Department of Health, Education, and Welfare. Compliance testing has been grossly inadequate. The FAA has even approved at least one machine for which the manufacturer had no demonstrator model available.

None of the X-ray systems are truly film safe, since any appreciable amount of radiation exposure deteriorates film quality. The degree of damage will depend upon the sensitivity of the film and the frequency, duration and intensity of exposure, among other factors. Passengers are not warned about this by the carriers.

The real fact of the matter is that the FAA has sanctioned the installation of these systems in a most irresponsible fashion. It has simply made no cost-benefit analysis of this new technological application, disgraceful nonfeasance by an agency which is supposed to apply a systems approach to assure the highest possible degree of safety in air commerce. The most candid answer your subordinates can give about this technology is that they have never evaluated its pros or cons, and they have no basis upon which to evaluate the safety and environmental effects of these appliances, or the compliance capability levels of each state.

In these circumstances, we respectfully submit, you have no legal alternative to halting present X-ray operations and suspending any further installations until proper standards have been established. At our meeting you assured us that you would immediately look into the matter. Because time is of the essence here, we would request your affirmative response no later than Friday, October 5. Thank you for your personal sensitivity and attention to this escalating problem.

Sincerely,

REUBEN B. ROBERTSON III.  
RALPH NADER.

#### NEED FOR OVERALL PETROLEUM ALLOCATION SYSTEM

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, the Nixon administration should be commended for finally moving to establish a mandatory allocation system for heating oil and propane. I am concerned, however, over the lateness of the announcement and the piecemeal approach to the problem of equitable distribution of scarce fuels. President Nixon has moved too little and too late.

Crude oil and gasoline should have been included in the new system. Unless we start allocating petroleum at the beginning of the production process—at the

well—the allocation system cannot work effectively in the long run. If inland refineries could be assured of adequate supplies of crude oil, the rest of the distribution system would be less strained.

It is shortsighted, in any case, to leave gasoline out of an allocation program. With autumn at hand, fuel oil and propane problems have taken precedence over gasoline. Come spring, gasoline worries will again loom large. The administration's hand-to-mouth approach to fuel shortages will only aggravate long-range distribution problems.

Five months have passed since Congress gave the President the authority to set up a mandatory wholesale-rationing system for oil and oil products. Independent distributors in the upper Midwest have found it difficult to get supplies under the voluntary program established by the administration last May. Since we are at the end of the supply line in Minnesota, mandatory allocation of heating oil is essential if we are to survive our severe winters. I am pleased that the administration has at last promised officially to take this necessary move, but must point out that it may take from 2 to 4 months for the effects of the new program to be felt.

When it proposed a voluntary program last May, the administration declared that Government regulation and control are unnecessary in an industry "where there is every evidence of intense and healthy competition." What has happened to the independent segment of the industry under the voluntary program proves how inaccurate an assessment this was.

Under the voluntary system independent dealers and retailers have been squeezed out of existence. The major oil companies now have their east coast storage tanks filled with heating oil to 82-percent capacity, while independent dealers in the same region are stocked to only 25 percent of capacity. Independent gasoline stations throughout the country have shut down by the thousands.

In offering its half measures yesterday, the administration again referred piously to "maximum freedom in the private sector." The petroleum and natural gas industries are dominated by a handful of companies. The automatic adjustments of a free marketplace cannot work when that marketplace patently is not free.

The administration has now reluctantly bowed to this reality, but its makeshift approach to petroleum and natural gas shortages is not good enough.

Three months ago when it was clear that the voluntary program was not working, congressional action was foreshadowed through repeated promises of executive action that did not materialize. Now Congress is on the verge of enacting an allocation system which would cover crude oil and gasoline, as well as heating oil and propane.

The administration, in announcing its partial program yesterday, seems to be accepting a lesser evil in order to foreshadow comprehensive regulatory action

by Congress. I hope that Congress will go ahead with an overall petroleum allocation law and establish regulatory procedures that will insure the American consumer of reasonable supplies of scarce fuel at reasonable prices.

#### POLISH CONTRIBUTIONS TO UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. The great debt which the United States of America owes to Polish Americans has been accruing since our earliest days as a colony. Our eyes may be unduly focused on their latter day exploits—the great contributions they have made in our armed services and government, in industry, and the trades, and as professionals. However, I would like to join my colleagues and constituents in recognizing the fact that Monday, October 1, marks the 360th anniversary of the arrival of the first Polish immigrants to America. As did our forefathers of other nationalities the Polish Americans, who arrived in Jamestown, Va., in 1608 to serve with Capt. John Smith, began their direct and important contribution to our Nation that continues on today.

#### NONRESIDENT TAXATION

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

Mr. FORSYTHE. Mr. Speaker, as a member of the House of Representatives, I have accepted both the privilege and the duty of protecting the interests of my constituents and the American people. One of the basic dilemmas facing numerous residents of the 6th District of New Jersey and people throughout the Nation is the issue of nonresident taxation.

As long as I have been in Congress, I have been the sponsor of legislation to provide much needed and justified relief to persons paying nonresident taxes. In recent months I have undertaken a comprehensive national review of this problem in an effort to develop the factual data which can serve as the basis for congressional action. Following is a summary of the information I have tabulated to date. For each jurisdiction composing a nonresident tax for which figures were available, I have attempted to picture the basic situation. I urge each of my colleagues to review this data carefully and to join me in pressing for immediate action.

#### NONRESIDENT TAXATION

##### ALABAMA Gadsden

1. Total annual city income, 1971: \$4,565,669.
- A. Percent collected from nonresidents: Data not available.
2. Total Income Tax, 1971: \$2,977,671.
- A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 2%.

B. Nonresidents: 2%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

**KENTUCKY**

*Bowling Green*

1. Total Annual City Income, 1971: \$2,562,- 877.

A. Percent collected from nonresidents: 8.2%.

2. Total Income Tax, 1971: \$1,326,915.

A. Amount collected from nonresidents: \$164,393.

B. Amount collected from residents: \$931,- 557.

C. Amount collected from businesses: \$230,965.

3. Tax on gross wages:

A. Residents: 1.5%.

B. Nonresidents: 1.5%.

4. Percent of individual returns filed by nonresidents: 15%.

5. Collections of individuals income tax accomplished by: withholding.

**KENTUCKY**

*Covington*

1. Total annual city income, 1971: \$3,035,- 397.

A. Percent collected from nonresidents: Data not available.

2. Total Income Tax, 1971: \$2,681,647.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 2.5%.

B. Nonresidents: 2.5%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

**MICHIGAN**

*Battle Creek*

1. Total annual city income, 1971: \$2,224,- 860.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$2,200,000.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$711,000.

3. Tax rate on gross wages:

A. Residents: 1.0%.

B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: 53%.

5. Collections of individuals income tax accomplished by: withholding.

*Big Rapids*

1. Total annual city income, 1971: \$499,813.

A. Percent collected from nonresidents: Data not available.

2. Total Income Tax, 1971: \$240,258.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: 49%.

5. Collections of individuals income tax accomplished by: Withholding.

*Detroit*

1. Total annual city income, 1971: \$147,- 231,929.

A. Percent collected from nonresidents: 6.7%.

2. Total income tax, 1971: \$88,222,286.

A. Amount collected from nonresidents: \$10,700,000.

B. Amount collected from residents: \$70,- 000,000.

C. Amount collected from businesses: \$7,- 500,000.

3. Tax rate on gross wages:

A. Residents: 2%.

B. Nonresidents: 5%.

4. Percent of individual returns filed by nonresidents: 33.3%.

5. Collections of individuals income tax accomplished by: Withholding.

*Flint*

1. Total annual city income, 1971: \$32,858,- 230.

A. Percent collected from nonresidents: 7.5%.

2. Total income tax, 1971: \$9,132,618.

A. Amount collected from nonresidents: \$2,300,000.

B. Amount collected from residents: \$5,000,000.

C. Amount collected from businesses: \$1,832,618.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: 45%.

5. Collections of individuals income tax accomplished by: Withholding.

*Grand Rapids*

1. Total annual city income, 1971: \$10,609,- 199.

A. Percent collected from nonresidents: 1%.

2. Total income tax, 1971: \$6,598,328.

A. Amount collected from nonresidents: \$1,253,683.

B. Amount collected from residents: \$5,014,729.

C. Amount collected from businesses: \$329,916.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: 36.4%.

5. Collections of individuals income tax accomplished by: Withholding.

*Pontiac*

1. Total annual city income, 1971: \$7,002,- 442.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$4,319,688.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: 58%.

5. Collections of individuals income tax accomplished by: Withholding.

*Port Huron*

1. Total annual city income, 1971: \$1,969,- 256.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$1,104,929.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages

A. Residents: 1%.

B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Saginaw*

1. Total annual city income, 1971: \$3,918,- 024.

A. Percent collected from nonresidents: Data not available.

2. Total Income Tax, 1971: \$3,501,057.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: 26%.

5. Collections of individuals income tax accomplished by: Withholding.

**MISSOURI**

*Kansas City*

1. Total annual city income, 1971: \$57,- 389,557.

A. Percent collected from nonresidents: 7.17%.

2. Total income tax, 1971: \$15,823,452.

A. Amount collected from nonresidents: \$4,119,850.

B. Amount collected from residents: \$9,612,983.

C. Amount collected from businesses: \$2,090,619.

3. Tax rate on gross wages.

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: 30%.

5. Collections of individuals income tax accomplished by: Withholding.

*St. Louis*

1. Total annual city income, 1971: \$139,147,119.

A. Percent collected from nonresidents: Data not available.

2. Total Income Tax, 1971: \$36,380,912.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages.

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

**OHIO**

*Akron*

1. Total annual city income, 1971: \$23,341,389.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$17,477,616.

A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages.

A. Residents: 1.4%.

B. Nonresidents: 1.4%.

4. Percent of individual returns filed by nonresidents: 30%.

5. Collections of individuals income tax accomplished by: Withholding.

*Avon Lake*

1. Total annual city income, 1971: \$629,673.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$349,531.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$28,945.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Barberton*

1. Total annual city income, 1971: \$7,742,-482.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$1,812,171.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$138,319.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: 90%.

5. Collections of individuals income tax accomplished by: Withholding.

*Cincinnati*

1. Total annual city income, 1971: \$51,-063,232.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$43,147,049.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 1.7%.

B. Nonresidents: 1.7%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Cleveland*

1. Total annual city income, 1971: \$64,-177,173.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$37,246,663.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$10,-910,119.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collection of individuals income tax accomplished by: Withholding.

*Columbus*

1. Total annual city income, 1971: \$41,756,-019.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$35,473,091.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$2,-328,278.

3. Tax rate on gross wages:

A. Residents: 1.5 percent.

B. Nonresidents: 1.5 percent.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Dayton*

1. Total annual city income, 1971: \$18,598,-865.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, \$15,435,805.

A. Percent collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$2,-600,161.

3. Tax rate on gross wages:

A. Residents: 1 percent.

B. Nonresidents: 1 percent.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Delaware*

1. Total annual city income, 1971: \$680,948.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$463,186.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$393,708.

3. Tax rate on gross wages:

A. Residents: .75%.

B. Nonresidents: .75%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Fremont*

1. Total annual city income, 1971: \$2,118,-694.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$895,673.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$438,185.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: 3%.

5. Collections of individuals income tax accomplished by: Withholding.

*Heath*

1. Total annual city income, 1971: \$958,338.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$844,326.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Kettering*

1. Total annual city income, 1971: Data not available.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$2,392,907.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$403,085.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Lima*

1. Total annual city income, 1971: \$4,637,-668.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$2,105,936.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: \$422,630.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Mansfield*

1. Total annual city income, 1971: \$5,265,-637.

A. Percent collected from nonresidents: 6.3%.

2. Total income tax, 1971: \$8,053,785.

A. Amount collected from nonresidents: \$78,468.

B. Amount collected from residents: \$2,537,132.

C. Amount collected from businesses: \$438,185.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: 3%.

5. Collections of individuals income tax accomplished by: Withholding.

*Maple Heights*

1. Total annual city income, 1971: \$1,-068,570.

A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$1,036,125.

A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.

C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:

A. Residents: 1%.

B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Mentor*

1. Total annual city income, 1971: \$1,206,675.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$1,140,573.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.  
 3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Parma*

1. Total annual city income, 1971: \$6,530,-375.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$3,503,804.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.  
 3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Parma Heights*

1. Total annual city income, 1971: \$867,-743.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$496,000.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.  
 3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: 5%.  
 5. Collections of individuals income tax accomplished by: Withholding.

*St. Bernard*

1. Total annual city income, 1971: \$1,731,-305.  
 A. Percent collected from nonresidents: 73%.  
 2. Total income tax, 1971: \$1,656,225.  
 A. Amount collected from nonresidents: \$1,270,100.  
 B. Amount collected from residents: \$15,-625.  
 C. Amount collected from businesses: \$370,500.  
 3. Tax rate on gross wages:  
 A. Residents: 1.7%.  
 B. Nonresidents: 1.7%.  
 4. Percent of individual returns filed by nonresidents: 45%.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Sandusky*

1. Total annual city income, 1971: \$2,275,-466.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$1,497,680.

A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: \$239,-534.

3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Solon*

1. Total annual city income, 1971: \$1,466,644.  
 A. Percent collected from nonresidents: 2.3%.  
 2. Total income tax, 1971: \$1,155,000.  
 A. Amount collected from nonresidents: \$681,450.  
 B. Amount collected from residents: \$265,650.  
 C. Amount collected from businesses: \$207,900.  
 3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: 80%.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Toledo*

1. Total annual city income, 1971: \$34,840,359.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$25,000,000.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: \$5,200,000.  
 3. Tax rate on gross wages:  
 A. Residents: 1.5%.  
 B. Nonresidents: 1.5%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*University Heights*

1. Total annual city income, 1971: \$887,161.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$390,863.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Westerville*

1. Total annual city income, 1971: \$362,112.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$9,656.\*  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:  
 A. Residents: .5%.  
 B. Nonresidents: .5%.

\*Income tax went into effect November 1, 1971.

4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Willoughby*

1. Total annual city income, 1971: \$1,604,-057.  
 A. Percent collected from nonresidents: 2.5%.  
 2. Total income tax, 1971: \$853,185.  
 A. Amount collected from nonresidents: \$400,000.  
 B. Amount collected from residents: \$323,185.  
 C. Amount collected from businesses: \$130,000.  
 3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Wickliffe*

1. Total annual city income, 1971: \$725,437.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$707,450.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.  
 3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Youngstown*

1. Total annual city income, 1971: \$20,920,-866.  
 A. Percent collected from nonresidents: 15%.  
 2. Total income tax, 1971: \$9,298,672.  
 A. Amount collected from nonresidents: \$3,342,309.  
 B. Amount collected from residents: \$5,-013,463.  
 C. Amount collected from businesses: \$942,900.  
 3. Tax rate on gross wages:  
 A. Residents: 1.5%.  
 B. Nonresidents: 1.5%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Zanesville*

1. Total annual city income, 1971: \$4,992,-829.  
 A. Percent collected from nonresidents: Data not available.  
 2. Total income tax, 1971: \$1,187,534.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.  
 3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.  
 4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*PENNSYLVANIA**Borough of Quakertown*

1. Total annual city income, 1971: \$310,000.  
 A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$130,000.  
 A. Amount collected from nonresidents: Data not available.  
 B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:  
 A. Residents: .5%.  
 B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: Data not available.  
 5. Collections of individuals income tax accomplished by: Withholding.

*Erie*

1. Total annual city income, 1971: \$1,933,211.  
 A. Percent collected from nonresidents: 2%.

2. Total income tax, 1971: \$1,750,000.  
 A. Amount collected from nonresidents: \$5,012.

B. Amount collected from residents: \$853,255.  
 C. Amount collected from businesses: \$886,733.

3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: 5%.

5. Collections of individuals income tax accomplished by: Withholding.

*Norristown*

1. Total annual city income, 1971: \$1,178,659.  
 A. Percent collected from nonresidents: 40%.

2. Total income tax, 1971: \$773,575.  
 A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Philadelphia*

1. Total annual city income, 1971: \$313,347,527.  
 A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$239,862,949.  
 A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: \$29,-388,894.

3. Tax rate on gross wages:  
 A. Residents: 3%.  
 B. Nonresidents: 3%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*Scranton*

1. Total annual city income, 1971: \$5,127,-112.  
 A. Percent collected from nonresidents: Data not available.

2. Total income tax, 1971: \$2,127,719.  
 A. Amount collected from nonresidents: Data not available.

B. Amount collected from residents: Data not available.  
 C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*State College*

1. Total annual city income, 1971: \$1,157,-742.  
 A. Percent collected from nonresidents: 4.3%.

2. Total income tax, 1971: \$302,359.  
 A. Amount collected from nonresidents: \$23,843.

B. Amount collected from residents: \$278,516.  
 C. Amount collected from businesses: Data not available.

3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: .5%.

4. Percent of individual returns filed by nonresidents: Data not available.

5. Collections of individuals income tax accomplished by: Withholding.

*York*

1. Total annual city income, 1971: \$2,219,-720.  
 A. Percent collected from nonresidents: 5%.

2. Total income tax, 1971: \$556,689.  
 A. Amount collected from nonresidents: \$155,878.

B. Amount collected from residents: \$400,-811.  
 C. Amount collected from businesses: 0.

3. Tax rate on gross wages:  
 A. Residents: 1%.  
 B. Nonresidents: 1%.

4. Percent of individual returns filed by nonresidents: 28%.

5. Collections of individuals income tax accomplished by: Withholding.

**CUT IN DEFENSE CIVIL PREPAREDNESS AGENCY BUDGET**

(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, a threatened \$17.5 million cut by the Senate in the Defense Civil Preparedness Agency's budget, from the \$87.5 million recommended by the House in H.R. 9590, would have a severely adverse effect upon four Michigan programs—the Civil Defense University Extension program, the State Workshop program, the Civil Defense Education program, and the Radiological Instrument Maintenance and Calibration program.

I wish to call this matter to the attention of the Congress, and for that purpose I insert in the RECORD at this point a resolution of the Michigan Civil Defense Advisory Council urging the Congress to provide adequate funding for Emergency Civil Preparedness. The resolution is as follows:

(A resolution urging the Congress of the United States to provide adequate funding for Emergency Preparedness.)

Whereas, the Michigan Civil Defense Advisory Council was created by the Michigan Legislature in 1953 for the purpose of evaluating the state of disaster preparedness in Michigan and advising the Governor on emergency preparedness matters; and

Whereas, the Michigan Civil Defense Advisory Council has recently learned that the United States Senate has proposed a 17.5 million dollar cut in the Defense Civil Prepared-

ness Agency's budget, from the 87.5 million dollars recommended by the House of Representatives in H.R. 9590; and

Whereas, such a cut would mean a loss to Michigan of four extremely valuable contract programs, to wit; the Civil Defense University Extension Program, the Civil Defense Education Program, the State Workshop Program, and the Radiological Instrument Maintenance and Calibration Program; and

Whereas, the first three mentioned programs are the primary means by which the State of Michigan informs local government concerning its responsibility in disaster preparedness, educates local government as to disaster preparedness planning methods and techniques, educates school children in emergency measures, tests the capability of local government to respond to a disaster, and keeps local government abreast of the proper methods for accessing state and federal assistance in the event of a disaster; and

Whereas, the Radiological Instrument Maintenance and Calibration Program is essential to Michigan's planning and operational capability in the area of nuclear spills and accidents; and

Whereas, the Michigan Civil Defense Advisory Council feels that the loss of the aforementioned programs would seriously cripple the Emergency Preparedness Program in Michigan and seriously undermine the encouraging progress which has been made in Michigan in recent years in the area of Emergency preparedness; now therefore be it

Resolved, that the Congress of the United States be urgently petitioned to restore the Senate proposed cut of 17.5 million dollars to the Defense Civil Preparedness Agency's budget for the safety and welfare of the people of the State of Michigan as well as of the several other states; and be it further

Resolved, that copies of this resolution be transmitted forthwith to appropriate members of the Congress of the United States for their due consideration in this most urgent matter.

WILLIAM G. MILLIKEN,  
*Governor of Michigan and Chairman, Michigan Civil Defense Advisory Council.*

For myself and for:

John R. Plants, Colonel, Department of State Police, East Lansing, Michigan.

Reverend Charles P. Ausberger, St. Joseph's Parish, West Branch, Michigan.

William M. Burchfield, Engineer-Superintendent, Ingham County Road Commission, Mason, Michigan.

Gildo A. Canale, Director of Athletics, Northern Michigan University, Marquette, Michigan.

Dorn Diehl, State Director, Agricultural Stabilization, U.S. Department of Agriculture, East Lansing, Michigan 48823.

Dr. Charles Frey, Department of Surgery, University of Michigan, Ann Arbor, Michigan 48104.

Sheriff Forrest L. Jewell, Berrien County, St. Joseph, Michigan.

William N. Montgomery, General Defense Coordinator, Michigan Bell Telephone, Detroit, Michigan.

Edward H. Pothoff, Jr., City Manager, Saginaw, Michigan.

Paul J. Schafer, Director, Detroit Office of Civil Defense, Detroit, Michigan.

Chief Ray F. Schattier, Police Department, River Rouge, Michigan.

Judge Dean J. Shipman, 94th Judicial District, Escanaba, Michigan.

Jack B. Sparkes, President, Chrysler Leasing Corporation, Detroit, Michigan.

Gary L. Thomas, President, Michigan Fire Fighters Union, AFL-CIO, Lansing, Michigan.

Chief Robert J. Veit, Grand Rapids Fire Department, Grand Rapids, Michigan.

David L. White, News Director, WJR Radio Station, Detroit, Michigan.  
Constituting the Michigan Civil Defense Advisory Council.

#### A TIME TO CONSIDER

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

Mr. PRICE of Illinois. Mr. Speaker, Mr. Joseph Friedman, chairman of the Board of the Chromalloy American Corp., delivered an interesting speech at the 10th Annual Chromalloy Seminar, September 22, 1973.

Mr. Friedman is a close friend of mine who comes from the 23d District of Illinois. He is an astute observer of national affairs whose judgment I respect and value.

I think Mr. Friedman's remarks are worthy of my distinguished colleagues attention, so I therefore respectfully request unanimous consent to insert them in the CONGRESSIONAL RECORD.

#### A TIME TO CONSIDER

(By Joseph Friedman)

Many years ago Ralph Waldo Emerson wrote, "A foolish consistency is the hobgoblin of little minds adored by little statesmen and philosophers. With consistency a great soul has simply nothing to do. He may well concern himself with his shadow on a wall. Speak what you think now in hard words and tomorrow speak what tomorrow thinks in hard words again, though it contradicts everything you said today. 'So you shall be misunderstood, you say!' Is it so bad then to be misunderstood? Pythagoras was misunderstood and Socrates and Jesus and Luther and Copernicus and Galileo and Newton and every pure and wise spirit that ever took flesh! To be great is to be misunderstood. The voyage of the best ship is a zigzag line of a hundred tacks. See the line from a sufficient distance and it straightens itself to the average tendency. Your genuine action will explain itself and will explain your other genuine actions. Your conformity explains nothing! There will be an agreement in whatever variety of actions if they be each honest and natural in their hour."

That is a proper introduction to my talk today, since I intend to make a point or two that will suggest change in some important areas of thought and philosophy.

In the affairs of nations and of corporations, in the affairs of the human race itself, there comes a time to consider—a time to consider the past—to analyze its accomplishments, its failures, its tragedies and its joys. A time to consider the future by first considering which of the many roads one faces is the proper one upon which to travel into that future.

A time to consider purpose and to make plans to effectuate such purpose.

A time to evaluate the accomplishments of the past, which represent the total result of all the striving, of all the worry, all the concern and dedication which have gone into building the society of mankind up to that point.

Of all these elements for consideration, unquestionably the most important is—a time to consider purpose. Purpose in a society such as ours cannot simply be defined as a mass effort on the part of thousands of men and women to earn profit, to create wealth, to struggle for individual well-being

on a material level. Purpose is, or should be, many-sided—each as important as the material, if not more so.

While our country in particular and the world in general is suffering many obvious complex problems, it would be well to remember that most of these problems are politically oriented and in the main away from any logical fundamental or very significant real values when regarded in the light of purpose!

The impact of the problems, while considerable in the short term—is subject to constructive remedy, and as has always been the case in the past, the root causes of the problems are cured—or mainly cured, and then we all get on with the real business of living.

Remember what Emerson said, "The voyage of the best ship is a zig-zag line of a hundred tacks. See the line from a sufficient distance and it straightens out to the average tendency."

Let me cite a few present problem examples:

1. Watergate—For the most part there should really not be much of a surprise element here. Since, as I have said many times—"Our nation has always been able to achieve real progress in the national or international areas as well as at people levels, in spite of its political leadership rather than because of it! Even in Watergate, there will be future benefit if it serves only to reawaken our political conscience to a redefinition of national purpose.

2. Inflation—Most of us know that a certain amount of it is inevitable. The Bible says that in the beginning God created the Heavens and the Earth. He has not created one additional square inch of earth since that time. But, he has kept on making people—unto the multi billions—each of whom strives and competes for goods and services, all of which depend on the earth for their sources. The demand for almost everything has been accelerating for years, at a rate which must, in normal or prosperous times, exceed the supply.

This is, of course, an over-simplification, I know, but basically it is as true as today. So in some measure we have been experiencing upward trends in material and other costs during all of our lives—and during all the lives of our forbears.

But our ability to create purchasing power has just about kept pace. Really, do any of you know anyone who isn't better off materially today than his father was—or his grandfather, for that matter? Why then all the panic? Why all the excited and exciting forecasting of doom? I'm not really saying that inflation is a good thing. I'm simply saying that it is, has been and always will be a fact of life to all peoples of the world who, as they move upward in the standard of living scale—will demand more "things" which in turn will cost more in terms of money—and they will devise ways and means to create that money! This could suggest total chaos and given solutions devised only by political "Leaders", it probably would mean chaos! But that possibility discounts the ingenuity—the energy—and the purpose of the American people. Otherwise, why would our inflationary bugaboo have been only recently "hopped upon" as a bandwagon by the politicians and the so-called leaders of our country? Indeed it has been rampant for years in most every other country in the world. By the way, even today, inflation in real terms in countries everywhere is by far greater than it is with us. The difference lies in purpose. Our people, no matter the evidence to the contrary which presents itself, when politicians need an issue for whatever their purpose—our people have panicked only for relatively short periods, after which

they have shown that they have purpose—that they know what that purpose is and have the ability to achieve it! And then the emotional panic is over.

3. Devaluation—Here again, why the panic? The truth is that our dollar has not been deflated—but has been adjusted to a more realistic "comparison value" with the other world currencies! And I say—it's about time, if one is to consider the terrible beatings we have taken in the world markets because our dollar was supposed to be worth so much more than the other currencies of the world. I say supposed to be, advisedly. Monetary instability is also politically inspired. Nations attempt to maintain sovereignty although many political barriers are basically superfluous in the emerging Global Society. Supra—National currency with Supra—National credit expansion and contraction is needed to solve the monetary crises if really there are crises of such proportions as to seriously alter the world financial outlook. This Supra—National evolution may not take place soon—but believe me it will eventually—when those who are the so-called world monetary authorities finally determine to define a purpose—nonpolitical—non-chauvinistic—

#### NONSELFISH AND NONPREJUDICIAL

Now that I have settled all of the world's problems for you, perhaps it is time for me to talk about our own particular world—our Chromalloy.

Some years ago in one of our seminars I stressed the importance of a determination on the part of our corporation to avoid the example of most others in a process which I defined as "Dehumanization." I pointed out that our corporation had then achieved a business volume in the year previous of some \$200,000,000, and that it was moving upward at a rapid rate, becoming larger in terms not only of volume of business and profit, but also larger in terms of people.

We had at that time about 12,000 employees in Chromalloy. I indicate the hazards that present themselves in the case of most companies as they grow. I emphasized that the most dangerous one of all was the likelihood that at some point in time our company would get to be so big that it would be operated not by the intensely ambitious people who were so important in bringing it to that state but by people who would have succeeded the original entrepreneurs and who were by virtue of their training and as a by-product of a developing society, likely to be what I defined as "Career Men."

I also noted that the term "Career Men" itself doesn't necessarily imply that the people are not decent human beings and not worthy of the respect of society. However, if there was an element of criticism, it was that the term generally is used in connection with an individual or a group of individuals who have an attitude toward life in which they regard the job of day-to-day living as not really a means to an end but as an end in itself. In this context they were a group who might regard our people and each other as objects other than as subjects.

These words could be defined as follows:

Subject: A person under the spiritual or inspirational guidance, care, or supervision of a religious or other authority.

Object: Something that is visible or tangible, which may be moved, changed, used, or disposed of.

Such a purpose may be all right as far as it goes—but it doesn't go far enough. It concerns itself with a standard of living—but fails to establish a standard of life!

Involvement at a deeper level is a must, if one is to look for total satisfaction with the result of a lifetime of work. One of the most severe criticisms which could be made of the last century's development of the industrial

age, and its resultant so-called "Prosperity" was the creation of material wealth at the level of only a very few people—with all those people who worked to make such wealth possible being involved only to the extent of "doing a day's work for a day's pay." In retrospect, the actual "Day's Pay" was wholly inadequate since the workers—The Doers—consistently wound up with nothing to show for the work of a lifetime, except the accomplishment of just having "Lived!"

This was the basis really for the beginning of the industrial revolution—trade unions—socialism—and finally in some areas dictatorial communism. Many inequities toward the "producing" classes, the "workers," were indeed exposed—and thankfully, by mid-20th century were greatly remedied. However, one less visible inequity wasn't! That was the inequity in comparative ownership in the enterprises in which the "workers" worked. The very atmosphere of higher, fairer "day's pay" brought about complacency in the minds and hearts of the great majority, and dependency was to some extent displaced by independence. They lived better—true—but still complained of their lot and still cried that the "rich get richer" but those who do the creating don't! In spite of the major upsurge in participation in the "good things," the proportionate values in ownership involvement didn't change very much! It didn't change very much because of one indisputable fact—the fact that while all men are born equal—it is at that point that God's natural vital gift to man stops. What happens after that is pretty much up to the Man!

What does all this have to do with us? All of this an attempt on my part to inspire a feeling in you that to create an end—beyond that of the day-to-day—to help Chromalloy always to be in the hands of leaders who not only work and think and strive to earn the "Day's Pay"—but who also are involved at the ownership level in our company. It's not just that I want to stand here and sell an investment to you but it is that I want to define a purpose, a worthwhile purpose, one which will give a great deal more meaning to your life's doings—while at the same time will make certain that as our company goes on into the future it will be led by men who are involved—dedicated to the same ideas—and devoted to the same goals which motivated all of those who came before them, and which motivated them to participate—to get involved at a deeper level than the day-to-day, year-to-year "Work-For-Pay" philosophy which could be the undoing of our whole great structure!

Not too long ago, I had a visit with one of our leading people. He was a leader in terms of the importance of his function in Chromalloy. He was a leader in terms of how very well he was doing his job and in terms of his earnings—but he didn't have involvement at the level I have described. I'm happy to report that now he does!—Why?—because of all the points I made to him that day—the effective one was a question. It went something like this—"If you owned a grocery store—a business of your own—how much would you have invested to earn a profit equal to your present compensation? (Example: \$60,000 per year means an investment of at least \$200,000.) I pointed out that the work in that case would be at least as difficult—the responsibility much greater—and the fun, a hell of a lot less! Result, a new Chromalloy stockholder, who for years to come, I am sure will, from each year's earnings, first buy another piece of the results of that year's work—and then decide on that new, bigger home—that second, third or fourth automobile—or that whatever—which had been his sole reward for only superficial participa-

tion—superficial involvement—and his formula for living as an end in itself!

Emerson also wrote, "A man is relieved and gay when he has put all of his heart into his work and done his best; but what he has said or done otherwise shall give him no peace. It is a deliverance which does not deliver. In the attempt, his genius deserts him; no muse befriends; no invention, no hope."

But now—back to—"A Time To Consider!" I left out purposely a most important consideration—the perennial question—"Where do we go from here?" I'm going to do an unforgivable thing now—I'm going to read for you an excerpt from my seminar speech of 1967. Here it is . . .

"Where Do We Go From Here? I can no more tell you that with certainty than I could predict any other fraction of the future with certainty. But I can say with hopefulness and conviction, that we are very likely to continue our upward climb toward becoming one of the world's greatest corporations—that is, if we are ever-watchful to retain our orientation to the human idea—our awareness of its power—for good or bad—and to continue to get better acquainted with each other—to respect each other more and more—and to like each other more as each year passes.

And now, another seminar is over, another year has opened its doors to us.

Anne Johnson Flint in 1875 gave me a closing thought to give to you.

God gives to you another year,  
A year of hours and days;  
And as you wait its unknown tasks,  
And face its unknown ways.  
Lo! Every hour some treasure holds  
And every day New Joy unfolds.  
A fragment of eternity  
In which to gain and give;  
So many days and weeks and months  
To love and laugh and live.  
What shall those minted minutes buy?  
How will you spend them as they fly?  
They come all wrapped in silver morns  
That shade to golden noons,  
Tied round with strings of jeweled stars,  
Or sealed with mellow moons;  
If one brings cloudy skies and rain,  
A rainbow follows in its train.  
So all that comes of seeming ill,  
And all that you deem good.  
Are but God's precious thoughts of love  
When rightly understood.  
Another year, All fresh and new—  
This is his lovely gift to you!

Thank you, my dear friends, for all you have done to make it possible for me to stand here with you today!

#### FEDERAL SERVICE LABOR MANAGEMENT ACT OF 1973

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

Mr. HENDERSON. Mr. Speaker, today, I have introduced the bill, H.R. 10700, the Federal Service Labor-Management Act of 1973. The gentleman from New York (Mr. DULSKI), chairman of the Post Office and Civil Service Committee, is a cosponsor of my bill.

For 37 years millions of Federal employees have not had the basic protections, rights, and benefits that private employees have enjoyed since the enactment of the Wagner Act.

My bill will provide collective bargain-

ing rights for Federal employees which now are granted only in part by Executive order. It will allow Federal employees to join American workers in the private sector in the enjoyment of these rights and benefits.

The legislation will apply to Federal employees in the executive branch of the Government excluding only employees in certain law enforcement and security agencies.

The measure will establish a three-member Federal Labor Relations Authority which will have full authority to interpret, apply, and enforce the provisions of the new act. Under the legislation, each department, agency, bureau or other unit will be obligated to negotiate with the employee's duly elected union representatives over matters involving personnel policies and practices and working conditions, excluding only those categories specifically excepted by existing or future laws.

Mr. Speaker, this is a very complex piece of legislation. I have attached to the end of my statement a summary and sectional analysis of the bill in order that all interested parties will have an opportunity to understand what it provides.

My Subcommittee on Manpower and Civil Service will schedule hearings on this subject when the employee organizations and the representatives of the executive branch have had an opportunity to review my proposal and prepare their recommendations.

Both the gentleman from New York and I realize that some of the provisions of my proposal will not be acceptable to both the labor organization representatives and the administration. It is intended to be a vehicle for a thorough review by my subcommittee of the labor management relations in the executive branch of the Government. We welcome recommendations and comments from all interested parties and they will be given thorough consideration and review by my subcommittee and the full Committee on Post Office and Civil Service.

The material follows:

#### SUMMARY OF BILL

#### PURPOSE

To provide a statutory base for labor-management relations affecting employees of the executive branch of the U.S. Government. To maintain and improve the rights and benefits now enjoyed by Federal employees and labor organizations.

#### EXPLANATION

Congressional findings—sec. 7101

States that Federal employees through labor organizations shall participate in the formulation and implementation of personnel policies and practices and matters affecting working conditions and that collective bargaining rights shall be enjoyed by labor organizations.

#### Definitions—sec. 7103(a)

*Employee.*—Applies to individuals in an Executive Agency and nonappropriated fund instrumentalities. Does not include Foreign Service, aliens overseas, employees in the Canal Zone, or a member of the uniformed services.

*Agency.*—Applies to Executive Agencies except FBI, CIA, NSA, GAO, and TVA.

**Labor organization.**—A lawful organization which deals with an agency concerning grievances and personnel policies and practices which affect working conditions. Excludes an organization which assists or participates in a strike.

**Grievance.**—Encompasses a complaint by an employee, labor organization or agency concerning personnel policies and practices and matters affecting working conditions or the interpretation or application of an agreement.

**Application**—secs. 7103(b) and 7117(c). Provides that employees have the right to form, join, and assist any labor organization and to participate in the management of the labor organization or to refrain from any such activity, but excepts supervisors and management officials.

**Federal Labor Relations Authority**—secs. 7104 and 7105

Establishes a three-person Federal Labor Relations Authority which shall have the authority to administer the Federal Service Labor Management Act of 1973.

**Exclusive recognition**—sec. 7106

Provides that a labor organization representing 30 percent of the employees in an appropriate unit may request recognition. In addition to providing for elections by secret ballot to determine the majority representative of employees in disputed or unclear situations, the bill authorizes the certification of a labor organization without an election when it represents a majority of the employees in an appropriate unit. Provides criteria for the establishment of an appropriate unit which may be on an agency, plant, installation or other basis. A unit may not include management officials or supervisors, a confidential employee, an employee engaged in personnel work, a guard together with other employees, both professional and nonprofessional employees, or an employee engaged in administering the labor-management law together with other employees. Permits an agency and labor organization to combine recognized units in an agency subject to authority criteria. National consultation rights may be accorded a labor organization that has been granted exclusive recognition below the agency level.

**Collective bargaining agreements**—sec. 7107

Collective bargaining shall encompass personnel policies and practices and matters affecting working conditions subject to—

Existing and future laws;

Existing or future policies and regulations issued by an agency; and

The terms of a controlling agreement at a higher agency level.

Negotiations may not include such matters as the mission, budget, or organization of an agency; the number, types, or grades of positions or of employees assigned to an organizational unit or tour of duty; or such other matters generally spoken of as management rights.

Negotiation is required prior to the issuance by an agency of policies and regulations involving matters which properly are for negotiation.

In the case of policies and regulations to be issued by the Civil Service Commission or any other agency relating to employees of more than one agency, a Federal Labor Relations Board shall be established by the Chairman of the Civil Service Commission to discharge the obligation to meet and confer with the labor organizations on the proposals and to approve the proposal or a modification thereof or to reject the proposal.

The Federal Labor Relations Authority is authorized to settle any disputes as to whether any particular proposal is contrary

to law or a policy or regulation of appropriate authority.

**Allotments**—sec. 7108

When a negotiated agreement so provides, dues may be deducted from an employee's pay. Allotments shall be made at no cost to labor organizations.

Prohibits an agreement from requiring an employee to become or to remain a member of a labor organization or to pay money to the organization except under a voluntary authorization.

**Unfair labor practices**—secs. 7109 and 7110

Sets forth and prohibits unfair labor practices by an agency or a labor organization. Places the power in the Authority to prevent unfair labor practices and enforce its decisions including reinstatement of employees, with or without back pay.

Issues which can be raised under an appeals procedure may not be raised as an unfair labor practice, and issues which can be raised under the grievance procedures may be raised under either a grievance procedure or an unfair labor practice, but not under both.

**Negotiation impasses**—sec. 7111

The Federal Mediation and Conciliation Service is authorized to provide assistance to resolve negotiation impasses. When all voluntary arrangements fail to resolve the impasse, assistance may be requested from the Authority which shall appoint a panel comprised of individuals knowledgeable in the operation of the Federal Government and in labor-management relations. The panel would be authorized to take whatever action it thought appropriate, including arbitration.

**Settlement of grievances**—sec. 7112

Each negotiated agreement must include a grievance procedure which shall be the exclusive procedure available to unit employees, shall be fair and simple, and provide for the right to representation of an employee by the labor organization or the right to represent himself. The process may include arbitration and the right to file exceptions to an arbitral decision with the Authority. In the absence of exceptions, the decision is final and binding and may include back pay.

**Official time**—Sec. 7113

For all matters related to the negotiation of an agreement, including impasse procedures before a panel of the Authority, agency employees representing the labor organization are authorized official time. This sole limitation being that the number of labor organization representatives in an official time status may not exceed the number of people representing the agency. Internal union business and appearances before the Authority on behalf of a labor organization would be nonduty time.

**Standards of conduct**—Sec. 7115

Subjects the labor organization to provisions similar to the Landrum-Griffin reporting requirements.

**General**—Secs. 7114, 7116, and 7117

The bill requires publication and availability of proceedings and decisions under its scope; authorizes funding; provides for the issuance of rules and regulations to implement its provisions; and provides a "grandfather" clause continuing past recognitions and agreements and a transition process.

#### ANALYSIS OF THE LEGISLATIVE PROPOSAL BY SECTIONS

The section designations in the first part of the analysis are the section references of title 5, United States Code, as amended or added, by section 2 of the bill.

**Congressional findings**—sec. 7101

Congress finds that participation of executive branch employees through labor organizations in the formulation and implementation of personnel policies and practices and matters affecting working conditions is in the public interest and that collective bargaining rights which are consistent with the public service shall be enjoyed by labor organizations.

**Right to petition Congress**—sec. 7102

Restates existing law that right of Federal employees to petition Congress or furnish information to Congress may not be interfered with or denied.

**Definitions and application**—sec. 7103

Defines various terms for purposes of the new subchapter governing labor-management relations.

"Employee" is defined as meaning an individual employed in an Executive Agency, a nonappropriated fund instrumentalities, or the Veterans' Canteen Service. Act does not apply to employees in the Foreign Service, noncitizens of United States employed overseas, employees stationed in Canal Zone, or members of uniformed services.

"Agency" is defined as meaning an Executive Agency and a military department but does not include the FBI, CIA, NSA, GAO, or TVA.

The term "labor organization" means a lawful organization composed of employees of an agency but does not include (1) purely social or fraternal organizations; (2) organizations which assist or participate in a strike against the Government; (3) organizations which advocate the overthrow of the Government; or (4) organizations sponsored or assisted by an agency.

The term "grievance" means any complaint by an employee or labor organization concerning personnel policies and practices and matters affecting working conditions or any complaint concerning the interpretation or application of a collective-bargaining agreement but does not include any complaint including matters subject to appeals procedures prescribed by or pursuant to law.

This section further provides that employees have the right to participate in the management of any labor organization and act for the organization as a representative but specifically limits the rights of supervisors or management officials.

**Federal Labor Relations Authority**—sec. 7104

Establishes the Federal Labor Relations Authority composed of a Chairman and two other members who shall be appointed by the President and confirmed by the Senate. The Authority shall report annually to the President and the Congress.

**Powers and duties of the Authority**—sec. 7105

The Authority shall carry out the functions of the act and appoint an Executive Director and such other employees as may be necessary to perform its duties under the act.

**Exclusive recognition of labor organizations**—sec. 7106

Provides that exclusive recognition shall be granted to a labor organization selected by a majority of employees in an appropriate unit who participate in the election. Exclusive recognition shall not be granted to a labor organization as the representative of (1) employees in a unit of guards if the labor organization admits to membership employees other than guards or (2) employees engaged in administering the provisions of this act if the organization represents other employees under this act.

A petition for exclusive recognition may be filed with the Authority whenever 30 per-

cent of the employees in a unit wish to be represented for collective bargaining purposes or allege that the exclusive representative no longer represents the majority of employees in the unit.

The Authority shall investigate such petitions, hold hearings, and, if a question of representation exists, conduct elections by secret ballot.

A labor organization which (1) has been designated by 10 percentum of the employees, (2) has submitted a copy of a current or recently expired agreement, or (3) is the exclusive representative, may intervene with respect to a petition and be placed on the ballot.

In lieu of an election the Authority may certify a labor organization if it determines that a free election cannot be held because of an agency's unfair labor practice or if it is satisfied that the labor organization represents a majority of employees in a unit and no other organization has filed a petition for recognition.

Subsections (g) and (h) of section 7106 set forth the criteria for the establishment of an appropriate unit.

A unit may be established on an agency, plant, installation, functional, or other basis which will ensure a community of interest among the employees, promote effective labor-management dealings, and permit efficient agency operations.

An appropriate unit may not include—(1) any management official or supervisor; (2) a confidential employee; (3) an employee engaged in personnel work other than clerical work; (4) a guard together with other employees; (5) an employee engaged in administering the provisions of this act together with other employees; or (6) both professional and nonprofessional employees, unless the professionals vote for inclusion in the unit.

The grant of exclusive recognition does not preclude any employee, regardless of his membership or nonmembership in a labor organization, from filing a grievance.

Subsection (m) of section 7106 provides that national consultation rights shall be granted to a labor organization that has been granted exclusive recognition below the agency level as the representative of a substantial number of employees of the agency. The labor organization shall be informed of proposed changes in agency personnel policies and practices and shall have the right to furnish views and initiate proposals which shall be considered by the agency before final action is taken.

Rights and duties of labor organizations and agencies—sec. 7107

Provides that a labor organization with exclusive recognition shall be entitled to represent and bargain collectively for employees in the unit.

Agencies and labor organizations are required to meet and negotiate in good faith for the purpose of arriving at an agreement. All such negotiations shall encompass personnel policies and practices and matters affecting working conditions.

All matters relating to collective bargaining are subject to (1) existing or future laws; (2) existing or future policies and regulations issued by an agency; and (3) controlling agreements at a higher agency level.

Prior to the issuance of a policy or regulation of the Civil Service Commission or any other agency relating to employees of more than one agency, labor organizations shall have the opportunity to furnish their views and meet and confer in good faith. For this purpose the Chairman of the Civil Service Commission shall establish a Federal Labor Relations Board consisting of (1) a Chairman, designated by the Chairman of the Civil Service Commission; (2) five man-

agement officials designated by the Chairman of the Civil Service Commission; and (3) five labor organization representatives designated by the Chairman of the Civil Service Commission.

The Board shall meet on proposed policies and regulations having application to more than one agency and may, by majority vote, adopt, modify, or reject the proposal.

In addition, any four members of the Board may propose a modification or addition to an existing or proposed policy or regulation of the Civil Service Commission or other agency.

Under section 7107, when exclusive recognition is not held by any labor organization, agency heads are required to meet and confer with qualified labor organizations holding national consultation rights before issuing a policy or regulation relating only to employees of that particular agency.

Subsection (h) of section 7107 sets forth a listing of those matters which do not fall within the scope of collective bargaining. The list includes (1) the mission, budget, or organization of an agency; (2) the number of employees; (3) the numbers, types, or grades of positions or of employees; or (4) the right of management officials to direct, hire, promote, transfer, assign, suspend, demote or discharge employees, or to determine the methods and personnel by which agency operations are to be conducted.

Subsection (i) of section 7107 establishes procedures for the settlement of disputes as to whether a proposal is not negotiable as being contrary to law, regulations, or a controlling agreement. Under these procedures a labor organization may appeal to the Authority when it disagrees with the determination by the agency head or when it believes that a policy or regulation, as interpreted by the agency head, violates the law or controlling regulations.

Allotments to representatives—sec. 7108

Provides that agencies shall withhold dues of an exclusively recognized labor organization from the wages of an employee when, pursuant to a negotiated agreement, the employee voluntarily requests such dues withholding. Dues withholding shall be effected without cost to the labor organization or employee.

Any agreement negotiated shall not require an employee to become or remain a member of a labor organization, or pay money to the organization, except pursuant to a voluntary authorization for dues withholding.

Unfair labor practices—sec. 7109

Sets forth those actions by labor organizations and agencies which are deemed to be unfair labor practices. Neither an agency nor a labor organization may interfere with, restrain, or coerce employees in the exercise of the rights provided under this act. Neither may refuse to consult, confer, or negotiate in good faith or fail to cooperate in impasse procedures and decisions.

An agency may not encourage or discourage membership in any labor organization.

A labor organization may not engage in a strike, work stoppage, or slowdown, or picket an agency in a labor-management dispute.

Issues which properly can be raised under an appeals procedure prescribed by or pursuant to law may not be raised as an unfair labor practice.

Prevention of unfair labor practices—sec. 7110

Provides that the Authority is empowered to prevent unfair labor practices by agencies or labor organizations.

The Authority shall conduct hearings on the charges and issue an order requiring the agency or labor organization to cease and desist from the unfair labor practice. The Authority may order reinstatement of employees, with or without back pay, as appropriate.

Negotiation impasses—sec. 7111

The Federal Mediation and Conciliation Service is authorized to provide services and assistance to resolve negotiation impasses. When all voluntary arrangements fail to resolve a negotiation impasse, either party may request assistance from the Federal Labor Relations Authority which is required to establish an impartial three-party panel to consider the impasse. The panel is required to investigate the impasse and assist the parties in arriving at a settlement through whatever method and procedures it may deem appropriate, including arbitration or third party fact finding when authorized by the panel. The action of the panel on any impasse referred to it shall be final and not subject to further review.

Settlement of grievances—sec. 7112

An agreement entered into by an agency and a labor organization having exclusive recognition is required to have procedures for the settlement of grievances, including questions of arbitrability. Such negotiated procedure is the exclusive grievance procedure available to employees of the bargaining unit. The procedures are required to have provisions that assure a labor organization the right to present and process grievances on its own behalf and on behalf of an employee in the unit, and to assure an employee the right to representation or to present a grievance on his own behalf, in which case the labor organization is authorized to be present when the grievance is adjusted. The procedure also must provide a process for arbitration to be invoked by either party and for the selection of arbitrators from a list proposed by the Federal Mediation and Conciliation Service. The decision of the arbitrator is final and binding if no exception is filed with the Authority.

Either party may file an exception to an arbitrator's award with the Federal Labor Relations Authority which may take such action and make such recommendations on the award as it considers consistent if it finds that the award is deficient because it is contrary to law or regulation; it was procured by corruption, fraud, or misconduct; or partiality of the arbitrator; the arbitrator exceeded his powers; or of any other reason as may be determined by the Authority.

The agency is required to take the actions specified by the final decision to make the employee whole in the circumstances, including the payment of back pay.

Official time—sec. 7113

Employees are authorized to be on official time when negotiating an agreement during regular working hours, including the time spent in attendance at impasse settlement proceedings. The number of employees on such official time may not exceed the number of individuals representing the agency. Time spent by employees of a labor organization on matters relating to the internal business of the organization, such as the solicitation of membership, election of labor organization officials, and collection of dues, shall be performed during the nonduty hours of the employees concerned.

Compilation and publication of data—sec. 7114

The Federal Labor Relations Authority is required to maintain a file of its proceedings and to publish its decisions and the actions taken by a negotiation impasse panel. The Civil Service Commission is required to maintain copies of all agreements and to publish the full text of all arbitration decisions.

Standards of conduct for labor organizations—sec. 7115

Each labor organization is required to adopt provisions providing for the maintenance of democratic procedures and practices and the prohibition of business or financial interest on the part of officers and

agents of the organization which conflict with their duty to the organization and its members. The organization is also required to maintain fiscal integrity in the conduct of its affairs, including accounting and fiscal controls and regular financial reports or summaries to the members. The provisions of the Labor Management Reporting and Disclosures Act of 1959 (29 U.S.C. Ch. 11) are made applicable to Federal employee labor organizations.

## Funding—sec. 7116

The necessary appropriations are authorized to be made to carry out the functions and purposes of the law.

## Miscellaneous—sec. 7117

The Federal Labor Relations Authority and the Federal Mediation and Conciliation Service are authorized to prescribe rules and regulations to carry out the various provisions of the act as they apply to each of such agencies.

The head of each agency is required to issue the necessary regulations to carry out the provisions of the act and to assure that no improper interference, restraint, coercion, or discrimination is practiced to encourage or discourage membership of an employee in a labor organization.

Grandfather provisions are included to permit the renewal or continuation of an exclusive recognition, certification of a representative, or a lawful agreement entered into before the effective date of the act or the renewal, continuation, or initial according of recognition for units of management officials or supervisors represented by labor organizations which traditionally represent management officials or supervisors in private industry and which hold exclusive recognition on the effective date of the law.

Provisions are included guaranteeing the right of an employee to form, join, and assist a labor organization or to refrain from any such activity.

## Section 3 of the bill

This section moves a provision of existing law from title 5, United States Code, to title 39, United States Code, relating to the right of postal employees to join an organization of postal employees. No change in existing law is proposed by this provision.

## Section 4 of the bill

Provisions are made for the Chairman of the Federal Labor Relations Authority to be in Level III of the Executive Salary Schedule and for the members of the Authority to be in Level IV.

## Section 5 of the bill—savings clause

The provisions of this section have the effect of continuing all policies, regulations, and procedures relating to labor management for Federal employees established by Executive orders, until revised or revoked by the President or unless superseded by specific provisions of this act or regulations issued pursuant to this act.

## VOTING RECORD OF CONGRESSMAN BILL FRENZEL 93d CONGRESS, ROLLCALLS 1 THROUGH 479

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

Mr. FRENZEL. Mr. Speaker, at the request of a number of constituents who have asked for copies of my voting record, that record for the 93d Congress through September 25 is included here.

My voting record shows 438 rollcalls or quorum calls of 479 total, an attendance figure of 91.4 percent.

The voting record follows:

Rolcall	Date	Description	Member's Response	Rolcall	Date	Description	Member's Response
1	Jan. 3, 1973	Call of the House.	Present.	71	do	H. Res. 337 (on passage).	Nay.
2	do	Election of the Speaker.	Ford.	72	do	Call of the House.	Present.
3	do	H. Res. 6 (on passage).	Nay.	73	do	do	Do.
4	Jan. 15, 1973	Call of the House.	Present.	74	do	H.R. 5683 (on amendment to).	Yea.
5	Jan. 25, 1973	do	Do.	75	do	H.R. 5683 (on passage).	Present.
6	Jan. 29, 1973	do	Do.	76	Apr. 5, 1973	Call of the House.	Nay.
7	Jan. 31, 1973	do	Do.	77	do	H. Res. 340 (on agreement to).	Present.
8	do	H. Res. 172 (on agreement to).	Nay.	78	Apr. 9, 1973	Call of the House.	Yea.
9	do	H. Res. 176 (on agreement to).	Nay.	79	do	H.R. 4586 (on passage).	Present.
10	do	H. Res. 132 (on agreement to).	Yea.	80	do	H.R. 342 (on passage).	Yea.
11	Feb. 5, 1973	H. Res. 123 (on agreement to).	Yea.	81	Apr. 10, 1973	Call of the House.	Present.
12	Feb. 6, 1973	Call of the House.	Present.	82	do	H.R. 3298 (veto override).	Nay.
13	Feb. 7, 1973	do	Do.	83	do	H. Res. 348 (on agreement to).	Yea.
14	do	H. Res. 188 (on agreement to).	Nay.	84	Apr. 11, 1973	H. Res. 349 (on agreement to).	Yea.
15	do	H.R. 2107 (on amendment to).	Yea.	85	do	H.R. 3180 (on passage).	Yea.
16	do	do	Yea.	86	Apr. 12, 1973	H.J. Res. 496 (on passage).	Yea.
17	do	H.R. 2107 (on passage).	Yay.	87	Apr. 16, 1973	Call of the House.	Present.
18	Feb. 20, 1973	Call of the House.	Present.	88	do	H. Res. 357 (on agreement to).	Nay.
19	do	H.R. 3694 (on passage).	Yea.	89	do	Call of the House.	Present.
20	Feb. 21, 1973	H.J. Res. 345 (on passage).	Not voting.	90	do	H.R. 6168 (on amendment to).	Nay.
21	Feb. 22, 1973	H.R. 1975 (on amendment to).	Do.	91	do	H.R. 6168 (on amendment to).	Yea.
22	Feb. 23, 1973	H.R. 1975 (on passage).	Present.	92	do	H.R. 6168 (on amendment to).	Nay.
23	Feb. 27, 1973	Call of the House.	Present.	93	do	H.R. 6168 (on amendment to).	Yay.
24	do	H.R. 3577 (on passage).	Present.	94	do	H.R. 6168 (on amendment to).	Nay.
25	Feb. 28, 1973	Call of the House.	Present.	95	do	H.R. 6168 (on amendment to).	Yay.
26	do	H. Res. 256 (on agreement to).	Yay.	96	do	H.R. 6168 (motion to recommit).	Nay.
27	do	H. Res. 18 (on agreement to).	Yay.	97	do	H.R. 6168 (on passage).	Yea.
28	do	H. Res. 257 (on agreement to).	Yay.	98	Apr. 17, 1973	Call of the House.	Present.
29	Mar. 1, 1973	Call of the House.	Present.	99	do	do	Do.
30	do	H.R. 3298 (on passage).	Yay.	100	do	H.R. 6691 (on amendment to).	Nay.
31	Mar. 5, 1973	Call of the House.	Present.	101	Apr. 18, 1973	Call of the House.	Present.
32	do	H.R. 4278 (on amendment to).	Yea.	102	do	H.R. 6169 (motion to recommit).	Nay.
33	do	H.J. Res. 393 (on agreement to).	Do.	103	do	Call of the House.	Present.
34	Mar. 6, 1973	Call of the House.	Present.	104	do	Procedural Motions.	Nay.
35	Mar. 7, 1973	do	Do.	105	do	do	Yea.
36	do	H. Res. 272 (on amendment to).	Nay.	106	do	Call of the House.	Absent.
37	do	H. Res. 259 (on amendment to).	Yea.	107	do	H. Res. 360 (on agreement to).	Yea.
38	do	H. Res. 259 (on passage).	Do.	108	do	S. 50 (on amendment to).	Yea.
39	Mar. 8, 1973	Call of the House.	Absent.	109	Apr. 19, 1973	do	Present.
40	do	do	Present.	110	do	S. 502 (on amendment to).	Yay.
41	do	H.R. 17 (on amendment to).	Nay.	111	do	do	Yea.
42	do	H.R. 17 (on passage).	Yea.	112	Apr. 30, 1973	Call of the House.	Present.
43	Mar. 13, 1973	Call of the House.	Present.	113	do	do	Do.
44	do	H.R. 4318 (on amendment to).	Nay.	114	do	S. 398 (agree to conference report).	Yea.
45	do	H.R. 71 (on passage).	Yea.	115	May 1, 1973	H. Res. 351 (on agreement to).	Yea.
46	Mar. 14, 1973	Call of the House.	Present.	116	do	H.R. 3932 (on amendment to).	Yay.
47	do	do	Do.	117	do	H.R. 3932 (on passage).	Nay.
48	do	S. 583 (on passage).	Yea.	118	May 2, 1973	H. Res. 370 (on agreement to).	Not voting.
49	Mar. 15, 1973	Call of the House.	Present.	119	do	H.R. 6388 (on passage).	Do.
50	do	H.R. 2246 (on passage).	Nay.	120	May 3, 1973	Call of the House.	Present.
51	Mar. 20, 1973	Call of the House.	Absent.	121	do	H.R. 392 (on amendment to).	Nay.
52	Mar. 20, 1973	H. Res. 285 (on passage).	Not voting.	122	do	H.R. 392 (on passage).	Yea.
53	Mar. 21, 1973	Call of the House.	Absent.	123	May 7, 1973	Call of the House.	Present.
54	do	H.R. 5446 (on passage).	Yea.	124	do	H.R. 4967 (on passage).	Not voting.
55	Mar. 22, 1973	Call of the House.	Present.	125	do	H.R. 6574 (on passage).	Do.
56	do	H. Res. 308 (on passage).	Nay.	126	do	H.R. 2828 (on passage).	Do.
57	do	H.R. 5445 (on passage).	Yea.	127	do	H.R. 29 (on amendment to).	Do.
58	Mar. 27, 1973	Call of the House.	Present.	128	May 8, 1973	H.R. 5452 (on passage).	Yea.
59	Mar. 28, 1973	do	Do.	129	do	H.R. 5451 (on passage).	Yea.
60	Mar. 29, 1973	do	Do.	130	May 9, 1973	Call of the House.	Yea.
61	do	H.R. 5293 (motion to recommit).	Nay.	131	do	H.R. 7445 (on passage).	Yea.
62	do	H.R. 5293 (on passage).	Yea.	132	do	H.R. 6370 (on amendment to).	Yea.
63	Apr. 2, 1973	H.R. 3153 (on amendment to).	Yea.	133	do	H.R. 6370 (on passage).	Yea.
64	do	H. Res. 330 (on passage).	Yea.	134	May 10, 1973	S. 394 (agree to conference report).	Yea.
65	Apr. 3, 1973	Call of the House.	Present.	135	do	H. Res. 389 (on agreement to).	Yea.
66	do	do	Do.	136	do	H.R. 7447 (on amendment to).	Yea.
67	do	do	Do.	137	do	H.R. 7447 (on amendment to).	Yay.
68	do	do	Do.	138	do	do	Yea.
69	Apr. 4, 1973	do	Do.	139	do	do	Nay.
70	do	H.R. 3577 (agree to conf. rpt.).	Yea.	140	do	do	Nay.

Rollcall	Date	Description	Member's Response	Rollcall	Date	Description	Member's Response
141	do	H.R. 7447 (on passage).	Yea.	250	do	H.R. 8760 (on passage).	Yea.
142	May 15, 1973	Call of the House.	Present.	251	do	H.R. 435 (on agreement to).	Yea.
143	do	H.R. 6768 (on amendment to).	Nay.	252	June 21, 1973	Call of the House.	Present.
144	do	H.R. 6768 (on amendment to).	Nay.	253	do	do	Do.
145	do	H.R. 6768 (motion to recommit).	Nay.	254	do	H.R. 7824 (motion to recommit).	Nay.
146	do	H.R. 6768 (on passage).	Yea.	255	do	H.R. 7824 (on amendment to).	Nay.
147	May 16, 1973	Call of the House.	Present.	256	do	do	Nay.
148	do	H.R. 5777 (on passage).	Yea.	257	do	do	Nay.
149	May 21, 1973	H.J. Res. 512 (on passage).	Yea.	258	do	do	Nay.
150	do	H.R. 6330 (on passage).	Nay.	259	do	do	Nay.
151	May 22, 1973	Call of the House.	Absent.	260	do	H.R. 7824 (procedural motion).	Nay.
152	do	H.R. 6717 (on passage).	Nay.	261	do	H.R. 7824 (on amendment to).	Yea.
153	do	H.R. 7200 (motion to recommit).	Nay.	262	do	do	Nay.
154	do	H.R. 7200 (on passage).	Yea.	263	do	H.R. 7824 (on passage).	Yea.
155	May 23, 1973	Call of the House.	Present.	264	June 22, 1973	Call of the House.	Absent.
156	do	S. 516 (veto override).	Nay.	265	do	H.R. 8510 (on amendment to).	Not voting.
157	do	Call of the House.	Present.	266	do	do	Do.
158	do	H.R. 7528 (on amendment to).	Yea.	267	do	Call of the House.	Do.
159	do	H.R. 7528 (on passage).	Nay.	268	do	H.R. 8825 (on amendment to).	Do.
160	May 29, 1973	H. Res. 408 (on agreement to).	Yea.	269	do	do	Do.
161	do	H.R. 6912 (on amendment to).	Nay.	270	do	H.R. 8825 (on passage).	Do.
162	do	do	Nay.	271	do	H.R. 8825 (on passage).	Do.
163	May 29, 1973	H.R. 6912 (on passage).	Yea.	272	June 25, 1973	Call of the House.	Present.
164	May 30, 1973	Call of the House.	Present.	273	do	H.R. 7447 (procedural motion).	Yea.
165	do	do	Do.	274	do	do	Nay.
166	do	H.R. 5857 (on passage).	Yea.	275	do	H. Res. 454 (on agreement to).	Nay.
167	do	H.R. 5858 (on passage).	Yea.	276	do	Call of the House.	Present.
168	May 31, 1973	Call of the House.	Present.	277	do	H.R. 8662 (on amendment to).	Yea.
169	do	H.R. 7806 (on passage).	Yea.	278	do	H.R. 8662 (on passage).	Yea.
170	do	H.R. 7724 (on amendment to).	Yea.	279	do	Call of the House.	Present.
171	do	H.R. 7724 (on passage).	Yea.	280	do	do	Do.
172	do	H.R. 6458 (on passage).	Yea.	281	June 26, 1973	do	Do.
173	June 4, 1973	Call of the House.	Present.	282	do	H. J. Res. 636 (limit debate).	Nay.
174	do	H. Res. 398 (on agreement to).	Yea.	283	do	H. J. Res. 636 (to amend).	Yea.
175	June 5, 1973	Call of the House.	Present.	284	do	do	Yea.
176	do	H.R. 8070 (on passage).	Yea.	285	do	H. J. Res. 636 (on passage).	Yea.
177	do	Call of the House.	Present.	286	do	H. J. Res. 455 (on agreement to).	Yea.
178	June 6, 1973	do	Do.	287	do	Call of the House.	Present.
179	do	H.R. 7935 (on amendment to).	Yea.	288	do	do	Do.
180	do	do	Yea.	289	do	H.R. 8877 (on amendment to).	Nay.
181	do	do	Nay.	290	do	do	Yea.
182	do	do	Nay.	291	do	do	Nay.
183	do	do	Nay.	292	do	do	Yea.
184	do	do	Yea.	293	do	do	Yea.
185	do	do	Yea.	294	do	H.R. 8877 (motion to recommit).	Yea.
186	do	do	Yea.	295	do	H.R. 8877 (on passage).	Yea.
187	do	do	Yea.	296	June 27, 1973	Call of the House.	Present.
188	do	do	Yea.	297	do	H.R. 8215 (on passage).	Yea.
189	do	do	Yea.	298	do	H.R. 4200 (on passage).	Present.
190	do	H.R. 7935 (on passage).	Yea.	299	do	H. Res. 470 (on agreement to).	Yea.
191	do	Call of the House.	Present.	300	do	H.R. 7447 (override veto).	Yea.
192	do	Motion to adjourn.	Not voting.	301	do	Call of the House.	Present.
193	June 7, 1973	Call of the House.	Present.	302	do	do	Do.
194	do	H. Res. 382 (on agreement to).	Nay.	303	do	do	Do.
195	do	H. Res. 7645 (on passage).	Yea.	304	do	H.R. 8917 (on passage).	Yea.
196	do	H.R. 7670 (on passage).	Yea.	305	June 28, 1973	Call of the House.	Present.
197	June 8, 1973	H.R. 2246 (agree to conference report).	Yea.	306	do	H.R. 8537 (on amendment to).	Yea.
198	do	H. Res. 426 (on agreement to).	Yea.	307	do	Call of the House.	Present.
199	do	H.R. 7670 (on passage).	Yea.	308	do	H.R. 8947 (on amendment to).	Yea.
200	June 11, 1973	Call of the House.	Present.	309	do	do	Yea.
201	do	do	Do.	310	do	do	Yea.
202	do	Procedural motion.	Yea.	311	do	H.R. 8947 (on passage).	Yea.
203	do	H.R. 4083 (on passage).	Yea.	312	June 29, 1973	Call of the House.	Present.
204	do	H.R. 6713 (on passage).	Yea.	313	do	H.R. 9055 (on amendment to).	Yea.
205	do	H.R. 8250 (on passage).	Yea.	314	do	do	Nay.
206	do	H.R. 4771 (on passage).	Yea.	315	do	H.R. 9055 (on passage).	Yea.
207	June 12, 1973	H.R. 5293 (agree to conference report).	Yea.	316	do	Call of the House.	Present.
208	do	H. Res. 423 (on agreement to).	Yea.	317	do	H.R. 8915 (on amendment to).	Yea.
209	do	H.R. 77 (on amendment to).	Yea.	318	do	H.R. 8915 (on passage).	Yea.
210	do	do	Yea.	319	do	H.R. 8410 (procedural motion).	Yea.
211	do	do	Yea.	320	June 30, 1973	Call of the House.	Present.
212	do	H.R. 77 (on passage).	Yea.	321	do	H.R. 8860 (motion to concur).	Yea.
213	June 13, 1973	Call of the House.	Present.	322	do	H.J. Res. 636 (agree to conference report).	Yea.
214	do	H. Res. 392 (on agreement to).	Nay.	323	do	H.R. 7445 (motion to concur).	Yea.
215	do	H.R. 8410 (on amendment to).	Yea.	324	July 10, 1973	Call of the House.	Present.
216	do	do	Yea.	325	do	H.R. 8860 (on amendment to).	Yea.
217	do	H. Res. 437 (on agreement to).	Yea.	326	do	do	Do.
218	do	Call of the House.	Present.	327	do	do	Do.
219	do	H.R. 8410 (on passage).	Yea.	328	July 11, 1973	Call of the House.	Present.
220	June 14, 1973	Call of the House.	Present.	329	do	H.R. 8860 (amendment to).	Yea.
221	do	do	Do.	330	do	do	Do.
222	do	H.R. 3926 (on amendment).	Nay.	331	do	do	Do.
223	do	do	Nay.	332	do	do	Do.
224	do	H.R. 3926 (on passage).	Yea.	333	do	Call of the House.	Do.
225	do	Call of the House.	Present.	334	do	H.R. 8860 (procedural motion).	Do.
226	June 16, 1973	do	Do.	335	do	H.R. 806 (on amendment to).	Do.
227	do	do	Yea.	336	do	do	Do.
228	do	H.R. 8619 (on amendment to).	Yea.	337	July 16, 1973	Call of the House.	Present.
229	do	do	Yea.	338	do	H.R. 8860 (on amendment to).	Nay.
230	do	H.R. 8619 (on passage).	Yea.	339	do	Call of the House.	Present.
231	June 18, 1973	Call of the House.	Present.	340	do	H.R. 8860 (on amendment to).	Yea.
232	do	do	Absent.	341	July 17, 1973	Call of the House.	Present.
233	do	H.R. 8558 (on passage).	Yea.	342	do	S. 504 (agree to conference report).	Nay.
234	do	Call of the House.	Present.	343	do	H.R. 6078 (on passage).	Yea.
235	do	H.R. 8152 (on amendment to).	Yea.	344	do	H.R. 8949 (on passage).	Yea.
236	do	do	Nay.	345	do	H.R. 9048 (on passage).	Yea.
237	do	H.R. 8152 (on passage).	Yea.	346	do	S. 2120 (on passage).	Yea.
238	June 19, 1973	H.R. 689 (on passage).	Yea.	347	do	S. 1752 (on passage).	Yea.
239	do	H.R. 6129 (on passage).	Yea.	348	July 18, 1973	Call of the House.	Present.
240	do	H.R. 7127 (on passage).	Yea.	349	do	H.J. Res. 542 (on amendment to).	Nay.
241	do	H. Res. 434 (on agreement to).	Yea.	350	do	do	Do.
242	do	H.R. 5464 (on amendment to).	Yea.	351	do	do	Do.
243	do	H.R. 5464 (on passage).	Yea.	352	do	H.J. Res. 542 (on passage).	Yea.
244	do	H.R. 5094 (on passage).	Nay.	353	July 19, 1973	Call of the House.	Absent.
245	June 20, 1973	Call of the House.	Present.	354	do	H.R. 8860 (on amendment to).	Yea.
246	do	H.R. 8760 (on amendment to).	Nay.	355	do	do	Yea.
247	do	do	Nay.	356	do	do	Yea.
248	do	do	Yea.	357	do	do	Yea.
249	do	H. Res. 448 (on agreement to).	Nay.	358	do	do	Yea.
			Nay.	359	do	do	Yea.

Rollcall	Date	Description	Member's Response	Rollcall	Date	Description	Member's Response
360	do	H.R. 8860 (procedural motion).	Nay.	420	do	do	Yea.
361	do	H.R. 8860 (motion to recommit).	Yea.	421	do	do	Yea.
362	do	H.R. 8860 (procedural motion).	Yea.	422	do	do	Nay.
363	do	H.R. 8860 (on passage).	Yea.	423	do	do	Yea.
364	July 20, 1973	Call of the House.	Present.	424	do	H.R. 9130 (on passage).	Yea.
365	do	H.R. 8538 (on amendment to).	Yea.	425	Aug. 3, 1973	S. 1636 (agree to conference report).	Yea.
366	do	H.R. 8538 (on passage).	Yea.	426	do	H.R. 518 (on agreement to).	Yea.
367	July 23, 1973	H. Res. 493 (on agreement to).	Yea.	427	do	S. 502 (agree to conference report).	Yea.
368	do	H.R. 5356 (on amendment to).	Yea.	428	do	H.R. 7935 (on amendment to).	Nay.
369	do	do.	Yea.	429	do	S. 1888 (motion to concur).	Yea.
370	do	do.	Yea.	430	do	S. 1888 (procedural motion).	Nay.
371	do	H.R. 5356 (on passage).	Yea.	431	do	H.R. 8658 (agree to conference report).	Yea.
372	do	Call of the House.	Present.	432	do	H.R. 8760 (agree to conference report).	Yea.
373	do	Procedural Motion.	Nay.	433	Sept. 5, 1973	Call of the House.	Present.
374	July 24, 1973	S. 1888 (motion to recommit).	Nay.	434	do	H.R. 512 (on agreement).	Yea.
375	do	S. 1888 (procedural motion).	Yea.	435	do	H.R. 504 (on agreement).	Yea.
376	do	Call of the House.	Present.	436	do	H.R. 8920 (on passage).	Yea.
377	do	H.R. 8480 (on amendment to).	Yea.	437	Sept. 6, 1973	H.R. 6912 (agree on conference report).	Yea.
378	do	do.	Yea.	438	do	H.R. 8351 (on passage).	Yea.
379	July 25, 1973	Call of the House.	Present.	439	do	H.R. 484 (on agreement to).	Yea.
380	do	S. 1423 (agree to conference report).	Yea.	440	do	H.R. 8547 (on amendment to).	Nay.
381	do	S. 1423 (on amendment to).	Nay.	441	do	H.R. 8547 (on passage).	Yea.
382	do	Call of the House.	Present.	442	Sept. 10, 1973	H. Res. 536 (on agreement to).	Yea.
383	do	S. 1423 (on amendment to).	Nay.	443	do	H.R. 7482 (on passage).	Yea.
384	do	do.	Yea.	444	Sept. 11, 1973	Call of the House.	Present.
385	do	S. 1423 (motion to recommit).	Yea.	445	do	H.R. 7645 (agree to conference report).	Yea.
386	do	S. 1423 (on passage).	Nay.	446	do	H.R. 2096 (on passage).	Yea.
387	July 26, 1973	Call of the House.	Present.	447	do	H.R. 511 (on agreement to).	Nay.
388	do	do.	Do.	448	Sept. 12, 1973	Call of the House.	Present.
389	do	do.	Do.	449	do	S. 504 (veto override).	Nay.
390	do	do.	Do.	450	do	H.R. 7974 (on passage).	Yea.
391	do	H.R. 9360 (on amendment to).	Nay.	451	do	H.R. 8789 (on passage).	Yea.
392	do	do.	Yea.	452	Sept. 13, 1973	H.R. 8619 (mount to instruct conferees).	Yea.
393	do	do.	Present.	453	do	H.R. 6576 (on passage).	Nay.
394	do	Call of the House.	Nay.	454	do	Call of the House.	Present.
395	do	H.R. 9360 (on amendment to).	Yea.	455	do	H.R. 9639 (on amendment to).	Nay.
396	do	do.	Present.	456	do	H.R. 9639 (on passage).	Yea.
397	do	H.R. 9360 (motion to recommit).	Not voting.	457	do	H.R. 9553 (on passage).	Not voting.
398	do	H.R. 9360 (on passage).	Do.	458	Sept. 17, 1973	H.R. 7265 (on passage).	Yea.
399	do	H.R. 8947 (agree to conference report).	Yea.	459	Sept. 18, 1973	H.R. 8070 (agree to conference report).	Yea.
400	do	H. Res. 512 (on agreement to).	Yea.	460	do	H.R. 7730 (on passage).	Yea.
401	do	S. Con. Res. 42 (on agreement).	Yea.	461	do	H.R. 37 (on passage).	Yea.
402	do	H.R. 9474 (on passage).	Yea.	462	do	Call of the House.	Present.
403	do	Call of the House.	Present.	463	do	H. Res. 420 (on agreement to).	Yea.
404	July 31, 1973	do.	Do.	464	Sept. 19, 1973	Call of the House.	Present.
405	do	H.R. 9286 (on amendment to).	Yea.	465	do	H.R. 7935 (veto override).	Nay.
406	do	do.	Yea.	466	do	H.R. 9715 (on amendment to).	Nay.
407	do	do.	Nay.	467	do	H.R. 9715 (on passage).	Yea.
408	do	do.	Nay.	468	do	H.R. 9256 (on passage).	Yea.
409	do	do.	Nay.	469	Sept. 20, 1973	Call of the House.	Present.
410	do	do.	Yea.	470	do	H.R. 8917 (agree to conference report).	Yea.
411	do	H.R. 9286 (on passage).	Yea.	471	do	H.R. 8917 (procedural motion).	Yea.
412	Aug. 1, 1973	H.R. 8825 (agree to conference report).	Yea.	472	do	H.R. 9281 (motion to recommit).	Nay.
413	do	H.R. 8825 (procedural motion).	Yea.	473	do	H.R. 9281 (on passage).	Not voting.
414	do	Call of the House.	Present.	474	do	H.R. 9256 (on passage).	Yea.
415	do	H.R. 8825 (on amendment to).	Nay.	475	Sept. 25, 1973	H.R. 8619 (agreed to conference report).	Yea.
416	do	do.	Nay.	476	do	H.J. Res. 727 (on amendment to).	Nay.
417	Aug. 2, 1973	Call of the House.	Present.	477	do	do.	Yea.
418	do	H. Res. 515 (on agreement to).	Yea.	478	do	do.	Yea.
419	do	H.R. 9130 (on amendment to).	Yea.	479	do	H.J. Res. 727 (on passage).	Yea.

### THIRD ANNUAL DINNER OF THE CONGRESSIONAL BLACK CAUCUS

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

Mr. STOKES. Mr. Speaker, on Saturday, September 29, the Congressional Black Caucus held its third annual dinner, in the International Ballroom of the Washington Hilton.

This affair is given annually in order to raise funds for educational and research projects of the Congressional Black Caucus staff.

This was a historic night in many respects. This particular night was in honor of Mayor Tom Bradley of Los Angeles and his outstanding achievement of becoming the first black mayor of America's third largest city. In this manner we were also paying tribute to all of the 2,600 black Americans who hold elective public office.

Over 3,000 persons journeyed from all over America to attend this dinner and to pay tribute to the Congressional Black Caucus. We want to thank those concerned Americans who cared enough to come here and register their concern.

Mr. Speaker, this occasion was a night that all who attended will always remember. Those who were present heard an outstanding speech by our main speaker, Senator EDWARD W. BROOKE.

As Chairman of the Congressional Black Caucus I had the honor of introducing this gentleman to our audience. My introductory remarks and Senator BROOKE's speech follow. I deem it a privilege to share this magnificent speech with all of my colleagues:

INTRODUCTION OF SENATOR EDWARD W. BROOKE  
BY CONGRESSMAN LOUIS STOKES

This night opens up a new chapter—not only in black history—but in American history. Tonight marks the first time in American history that the 16 black members of the House of Representatives and America's only black Senator have appeared together at any public forum.

In this context it is well for us to take a moment and reflect upon this occasion in its historic setting.

It was 104 years ago that the electorate sent the first black Representative to the United States Congress. This man was John Willis Menard, who was elected from the State of Louisiana. Mr. Menard's victory was contested by his white opponent, and as a consequence of this fact America's first black Congressman was never seated in the Con-

gress to which he had been elected. The election of John Willis Menard marked the beginning of two periods of service on Capitol Hill for black elected representatives. The first period ranged from 1870 to 1901. During this period of time, a total of 22 black representatives sat in the House, along with two black men, Hiram Revels and Blanche K. Bruce who sat in the Senate. All were Republicans—all were elected from southern States.

During the era 1901 to 1928, a period of 28 years, not a single black representative sat in the House of Representatives. Their service there resumed once again in 1929, and has continued to the present day when the historic number of 16 now sit in the House, with one sitting in the United States Senate.

The last black Member of the House during the reconstruction period was George White of North Carolina. He was a graduate of Howard University, and is described as being a race conscious, militant politician. He was defeated in 1900 and just before leaving the House in 1901, he made a speech on the floor of the House regarding his departure. Historians have described this speech as being "with bitterness, great feeling and prophecy." The significant portion of George White's speech on that occasion was when he said:

"This, Mr. Chairman, is perhaps the Negroes' temporary farewell to the American Congress; but let me say, Phoenix-like he

will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding, but God-fearing people. Faithful, industrious, loyal people—rising people, full of potential force. . . . The only apology that I have to make for the earnestness with which I have spoken is that I am pleading for the life, the liberty, the future happiness, and manhood suffrage of one-eighth of the entire population of the United States."

George White's prophecy that we would come again took 28 years to come to fruition. In 1928 Oscar De-Priest came to the House of Representatives.

The last black Senator during the reconstruction period was Blanche K. Bruce who served in that body from 1875 to 1881. In 1966, Edward William Brooke was elected to the United States Senate from the Commonwealth of Massachusetts. In the case of the Senate, George White's prophecy that we would come again had taken us 85 years.

Tonight, the Congressional Black Caucus has chosen that distinguished Senator as the speaker of the hour.

Senator Brooke is a native of the District of Columbia. He attended public schools here and is a graduate of Dunbar High School.

Upon receiving a bachelor of science degree from Howard University in 1941, he entered the United States Army, served with the "partisans" in Italy, and was discharged in 1946 as a captain.

He then went to Boston. There he edited the Boston University Law Review from 1946 to 1948. He is the recipient of both a law degree and a master of laws.

As a lawyer he was accorded the honor of being made a fellow of the American Bar Association for excellence in law. He is the recipient of 23 honorary doctorate degrees.

In 1962 he was elected attorney general of the Commonwealth of Massachusetts, and re-elected in 1964. In 1966 an already distinguished career was capped by election to the United States Senate as the first black man to serve in that body since reconstruction.

In the Senate he serves on the Committee on Appropriation, and Banking, Housing and Urban Affairs.

As a Member of the United States Senate he has had a distinguished career. He is author of the famous Brooke amendment and he led the fight in the Senate to successfully defeat the nominations of Haynesworth and Carswell to the United States Supreme Court.

On this night when we salute "strong men who keep a'comin'," I give you a man who won election in a State which is less than 3% black; a man who is Protestant in a Catholic State; a man who is Republican in a Democratic State. I give you a man for all seasons.

Ladies and gentlemen, from the Commonwealth of Massachusetts I give you America's only black Senator, Senator Edward Brooke.

I am delighted to have the opportunity to participate in this important event. I am particularly delighted to be present as the Congressional Black Caucus acknowledges the great contribution of Clarence M. Mitchell, Director, Washington Bureau, NAACP. I have "served" with Clarence in Congress and know that he has been more effective than anyone else in enacting civil rights laws. I am always pleased to work with my colleagues in the Congressional Black Caucus and, of course, to have a chance to meet and talk with black elected officials and friends from across the country.

This is a very special occasion. For one thing it is a conspicuous meeting of the Congressional Black Caucus and the Senate Black Caucus. I know some of you have wondered whether the two Caucuses ever caucused. We do and we will continue to do so.

But this third annual Caucus dinner is significant for other reasons too. First, this event honors Mayor Tom Bradley, one of the most distinguished elected officials in the

country. And, second, tonight ten years after Doctor Martin Luther King, Jr., A. Philip Randolph, Jesse Jackson, Dick Gregory, Andy Young and other great leaders led the historic March on Washington, we are focusing the spotlight on more than 2600 black elected officials in this country.

It is no coincidence that the number of black elected officials has increased by more than 120 per cent since 1969, or that the size of the Congressional Black Caucus has nearly tripled in the last five years.

These occurrences are not accidental. Rather they reflect a new consciousness, a new reality, a recognition of the fact that we are standing on the threshold of a new and crucial phase for Black Americans—indeed for all Americans.

Nowhere is the reality of this new phase more evident than in recollections of the March on Washington for Freedom and Jobs. We were certain then that the rightness of our cause was the sole weapon needed to prevail. Our allies were many. Our divisions seemed few. Our dreams naively appeared close at hand.

But, our euphoria did not endure. Our allies dispersed. Our differences resurfaced. And our dreams remained deferred.

Yet, in the turbulent decade that has intervened, significant progress was made in the belated expansion of our nation's constitutional guarantees to all its citizens. The courts—and then finally Congress—moved to fulfill the grand promise of equal protection under the law.

Yet, 250,000 Americans, black and white, had not limited their demand to abolition of oppressive laws. Our demand was freedom and jobs. For the two are intertwined. Freedom in the abstract would not then, and will not now, suffice. We also sought freedom from hunger, freedom from want and freedom from frustration. Simply put, we sought jobs.

And, in the years since, we have made some qualitative progress. Blacks are beginning to get better jobs. But we haven't even approached the number and the quality of jobs we need.

We haven't even come near to fulfilling the heady prophecies of August 1963 and we never shall if we limit ourselves to sentimental journeys back to that euphoric day. We cannot and should not try to revive the Civil Rights Movement as we knew it then.

The devastating war in Asia drained us of many of our allies. Many of our nation's young and its liberals turned their attention and energies to the battle for peace. And, very candidly, others were excluded as many Blacks decided to go it alone.

But, issues are more complex than they were a decade ago. Solutions are harder to find. More than that the tactics of the Sixties are no longer appropriate in an era of decentralized government.

The return of power to state and local governments disrupts long-time power relationships and demands new and expanded leadership, organization and efforts at state and local levels. The past reliance on concentrating our efforts at the federal level must give way to the selective application of power at the most effective level of government. Revenue sharing and regionalism have complicated our political equation.

There have been other changes as well in recent years: The black-white liberal coalition has fallen victim to many vested interests and to various private agendas; there has been a growth of apathy and confusion, and of basic distrust in government; moral leadership in the highest places has been tainted by corruption; memories of Vietnam still haunt and divide us; and a precarious national economy threatens all of our people.

If these are not enough reasons to change our tactics, one need only to look at the record of the past decade. We find a condition best characterized by: "we have made some progress, but . . . ."

For example:

A third of all black families earn more than \$10,000 a year. But another third live in poverty;

One third of all black employees are in white collar jobs, but unemployment is twice as high among Blacks as among Whites;

There was a 76 per cent increase in the number of Blacks entering white collar jobs, but nearly three million Blacks were added to the overcrowded central cities;

Scammon and Wattenberg tell us that 52 per cent of all Blacks are now in the middle class, but to arrive at this conclusion they had to redefine middle class to mean a minimum income of \$8,000.

Similar statistics are cited to underscore black economic progress. But they are, more often than not selective and misleading as to the relative advances of Blacks as compared to Whites.

Perhaps the most widely heralded statistics used to spread optimism about the economic conditions of Blacks are those of Scammon-Wattenberg. These statistics have in effect encouraged benign neglect of the economic conditions of black people. Messrs. Scammon and Wattenberg submit that young black husband/wife families under the age of 35 have now achieved family incomes equal to their white counterparts. But, in order to achieve this young family income equality, young black wives had to work and most of all these young black husband/wife families who have achieved equal incomes comprise only 6 per cent of all black families in the nation. Few Whites would be content to have their economic conditions defined in terms of the richest six per cent of White families.

In addition these statistics apply only to young black families in the North and West. But, one-half of all Blacks still live in the South.

The tragic fact remains, if you are black you are still twice more likely than a White to be unemployed; less likely to have a steady, year-round, full-time job and more likely to suffer long-term unemployment.

Perhaps two glaring, irrefutable facts best tell the economic conditions of Blacks and gauge the over-all economic progress which they have made.

Never once during the economic boon during the 1960's did black unemployment at its best equal white unemployment at its worst.

And probably the most telling and reliable statistic about black economic gains of recent years is that Blacks held 5.1 per cent of total white income in 1948. In 1971 they held only 6.6 per cent—despite all the rhetoric of gain, a real gain for Blacks of only one-and-one-half per cent in 23 years.

Yes we have made some progress. But we have so much further to go.

And tonight, I want to talk to you about how best to get what we want, what we need and what we deserve from the political system. Political power and public office have been the keys which opened the doors of opportunity for various groups in America since the founding of our country.

What is new in our day, however, is the use of political power and public office in pursuing the hopes and aspirations of black people.

Americans respect and respond to political power. Political power influences public policy at all levels. This is the nature of politics. And others have mastered the ground rules, and so must we.

It is easy to underestimate the effect of political power. At a press conference in 1968, President Eisenhower, in an apparent reference to some Southern Whites, said: "I don't believe you can change the hearts of men with laws or decisions."

Mr. Eisenhower was wrong. Power changes

people. If power does not at once change the hearts of men, it can indeed change the way their hearts respond. Laws can help encourage people to rethink and change their positions in order to protect their own self-interests.

Commenting on the Eisenhower remark, David Bazelon in his book, *Power In America*, said "... Southerners ... knew full well ... just exactly in what way and how much state laws—and the power behind them—had extorted intimate changes of heart in them. Inhibit the use of state force in confirming segregation, by an exercise of federal power, and the heart will change back rather naturally—in the emotional free-market, so to speak."

The point can be made less diplomatically: "Hit a bigot in his pocketbook and his head will quickly tell his heart where his enlightened self-interest lies."

By law and judicial decree, we have been given considerable power over our destinies. The ballot is power; political participation is power; pressure group tactics are power; getting your own people and your allies into public office represents power. And we can do all these things without a single new civil rights law being passed. And if we do them, you can be sure that there won't be any problem in getting more civil rights laws passed, if they are needed, and in making government at every level respond to our needs.

Fortunately, the political culture is not an alien environment for us. Slavery taught our people many lessons, not the least of which is how to survive. That's politics. Discrimination toughened us to withstand the ordeals until the time was ripe for action. That's politics. Racism taught us more than any other lesson in our experience. Racism taught us we must stand together, or we shall fall together. And that's politics too.

Our political experience is good. Our political potential is obvious. We are 10 per cent of the national electorate, concentrated in key cities and states.

However, our full potential is far from realized. Despite impressive gains in the number of black elected officials, the 2,621 of us who now hold public office still represent less than one-half of one per cent of all elected officials. This is a sobering reality.

I am privileged to serve on the Board of Governors of the Joint Center for Political Studies, which the New York Times calls our "Black Think Tank." The Center has done extensive research and published exhaustive statistics on black political potential. Its resources are invaluable in our efforts to elect black officials. But the Center's data is helpful in other ways too. The word is getting around Capitol Hill about how Charlie Diggs, Charlie Rangel, Walter Fauntroy, Barbara Jordan and others have been button-holing their white congressional colleagues to tell them about black voting potential in their districts. And their white colleagues get the picture very quickly.

For example, Blacks make up 25 per cent or more of the population in 59 congressional districts. In fact, in 51 congressional districts, the number of Blacks of voting age is at least twice as great as the margin of victory for the winning candidate in the 1972 congressional elections. Equally significant is the fact that in 93 congressional districts over 15 per cent of the families are earning less than \$7,000 per year. What this suggests is that a coalition of black and low income voters can have substantial influence on who is elected to Congress.

Other statistics are also persuasive. In 88 cities over 50,000 in population and in nine of our states, the black voting age population is more than 15 percent. And that is potential political clout. In fact, we now have 85 black mayors, including our honoree, Tom Bradley, whose constituency is only 17 per cent black. Tom's election shows what can be accomplished through coalition politics.

Another impressive political gain was

Congresswoman Shirley Chisholm's campaign for the 1972 Democratic presidential nomination. Shirley demonstrated bold and imaginative leadership and we need people in politics who think the unthinkable and dare to achieve the impossible. Their efforts, whether successful or not, do much to politicize our cause and to pave the way for those who unquestionably will follow.

Despite our political gains, I am still troubled by the fact that there are only four Blacks in the nation who hold elected statewide office. A statewide political base is a formidable source of political power. You can read all you want about how I got to the Senate, but if I had not been elected Attorney General of Massachusetts, I wouldn't have had a chance of being elected to the United States Senate.

Black numbers are important, but they don't mean a thing unless black people participate.

We abdicate political power when we decline to exercise our right to be heard and our right to vote.

It is disheartening that more than 50 per cent of eligible black voters failed to vote in 1972.

There are still counties in the South where registration rates are as low as 15 per cent of potential and where the black turn-out of voters generally runs 15 per cent below the white turn-out.

The work of Vernon Jordan and the National Urban League, Julian Bond and the Southern Election Fund, John Lewis and the Voter Education Project and others, will be in vain if our people don't follow through and register, or if, they fail to vote on election day.

And yet it is not enough that Blacks participate fully, they must participate *effectively* in our political processes. As Congressmen William Clay and Lou Stokes have previously stated, our guiding premise should be: "We have no permanent friends, no permanent enemies, just permanent interests."

In the past we have viewed the notion of coalitions too narrowly. We have regarded coalitions as permanent. We feared we would lose our identities if we coalesced with others, particularly Whites. But, coalitions need not be permanent nor erosive.

We must form free-floating coalitions across racial lines. And these coalitions must be based on specific and pragmatic issues of common interest.

There is no question what these issues are. They are economic! Our economic interests are clearly aligned with those of the majority of Americans. Inflation, unemployment, inequitable taxation, inadequate health care and housing are not black issues, but issues affecting millions of Americans, who suffer the agonies of our economy without ever sharing its abundance.

As Bayard Rustin wrote recently, "to pursue purely black issues at a time when our needs increasingly converge with those of the larger working class is to perpetuate political isolation." And, may I add, political suicide!

And what I am saying tonight is: we cannot go it alone and should not try to go it alone when compelling alliances will serve our needs.

Alliances will not only give us strength in numbers but restore proper perspective on many issues, which have improperly been labeled black issues.

When 16.2 million White Americans as compared with 7.7 million Black Americans fall below the poverty line, we cannot permit poverty to be labeled black.

When the number of white families on welfare is almost twice the number of black families on welfare, we cannot permit welfare to be labeled black.

Poverty and Welfare are inaccurate gauges of the economic suffering of millions of Americans, who earn too much to be classified as poor or qualify for public assistance, but who barely get by.

And as we ascend the economic scale we find skilled workers whose jobs are not secure and whose pay increases don't keep pace with inflation.

Twenty seven years ago, the Employment Act of 1946 made clear the policy of the Federal Government—to reach and maintain maximum employment, production and purchasing power. This goal has been abandoned. The concept of "full employment" gathers dust on the back shelves of the bureaucracies. I say let's dust it off, define it in understandable terms and make it our number one priority.

First, let's face the fact that even in good times our economy does not create enough jobs. The economic boom of the 1960's proved this.

Second, let's admit that the private sector alone will never be able to create the number of jobs we need.

The conclusion is obvious, the role of the Federal Government in creating jobs must be expanded. It must be expanded in such a way as to sustain employment while meeting the needs of the American people for public facilities and services.

We cannot accept the status quo—a permanent economic sub-class, available when an expanding economy demands more labor and helplessly discarded when inflation becomes politically untenable and the boom must be curbed.

It is past time that a nation which values the work ethic insures that the dignity of work is available for all who can work.

We have natural allies in our quest for a full employment plan. Organized labor has long fought this lonely battle. It is a battle not just for the poor and unemployed, but for the marginally and insecurely employed, who are the first victims of a sluggish economy and, indeed for all workers whose employment depends on sustained prosperity.

We and our allies must make economic issues paramount. Let us not be side-tracked. Remember the 1972 campaign, when scant attention was paid to our nation's economic woes, and instead the people were diverted with spurious and divisive issues, such as busing.

We cannot let this happen again!

We must hammer home the bread and butter issues and knock down the straw men as fast as they are set up. Let's put it simply. Blacks need jobs—more and better jobs. All Americans need jobs—more and better jobs. And together we must get them!

And our quest is most essential to those young Blacks who will come of age during this decade and the next.

Almost one-half of all Blacks in this country are under the age of 19. That's over ten and one-half million young Blacks. Twelve per cent of the entire black population is now ready to vote for the first time or will be old enough to vote for the first time by the election in 1976. What will these young Blacks bode for the future? How do you telescope in words the hopes, the newly discovered pride in being Black, the sense of injustice, the disappointments, the cynicism which they will have experienced in their young lives? What opportunity and hope does the country really hold out for them?

During the 1960's we urged young Blacks not to drop out of school. They heeded our advice and now for the first time for the crucial ages of 16 and 17, black enrollment matches white enrollment. This means that young Blacks, perhaps for the first time believe that they have a chance to "make it" in America. How do we reward them for heeding our advice? What do we tell them when they go to look for a job? How will America be able to explain to them that traditional economic policies will continue to be adhered to and that those policies demand a tradeoff between inflation and unemployment in which the black pays a disproportionately large share? How will America explain that our present and our future econ-

omy may demand an even higher level of unemployment in this tradeoff—that a general unemployment rate as low as four percent would mean an intolerable Latin American-type inflation. And how do we compensate to young Blacks for the increasing loss of the kind of job in manufacturing and industry which was the exit out of poverty for other groups who each in its turn, with hard work had the chance to succeed.

We here tonight are symbols of the increased opportunities for young Blacks in American politics. But as political leaders—Black leaders—American leaders—we will have failed if we cannot get America to see that these young Blacks, almost half of all Blacks, who are waiting on the threshold of adulthood are an undeniable reality for America—a reality which cannot and must not be kept balanced on the margin of American economic life. For them, for countless others, we must succeed. To succeed we must have more coalitions with others and we must have more cohesion and communication among Blacks.

All too often, we suffer break-downs in communications. We must develop a clearinghouse, a communications network that expedites the flow of information and ideas among all elements of the black leadership and black community. We, the nation's black elected officials, should make the establishment of such a system a top priority.

Our tactical priorities require too that we heed Ossie Davis' admonition of two years ago "It's not the man, it's the plan. It's not the rap, it's the map."

We shall have to sacrifice private agendas, sublimate personal ambitions and subdue crowd-pleasing rhetoric.

With a plan and a map let us proceed, joined by as many others as we can gather.

Let us be more realistic in our promises and more skillful in our performance. Let us out-organize, out-wit and out-vote those who would deter us from our goals.

#### GENERAL LEAVE

Mr. KEATING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of the special order given by the gentleman from Illinois (Mr. DERWINSKI).

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

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TAYLOR of North Carolina (at the request of Mr. HENDERSON) from 2 o'clock p.m. today on account of death in the family.

Mr. KLUCZYNSKI (at the request of Mr. O'NEILL) for today on account of death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KEATING) to revise and extend their remarks and include extraneous matter:)

Mr. HOSMER, for 5 minutes, today.

Mr. TALCOTT, for 5 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) and to

revise and extend their remarks and include extraneous matter:)

Mr. BURTON, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WILLIAM D. FORD, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. MATSUNAGA, for 15 minutes, today.

Mr. MATHIS of Georgia, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. MEZVINSKY, for 5 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FORSYTHE and to include extraneous matter, notwithstanding the fact it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost \$731.50.

Mr. HENDERSON and to include extraneous matter, notwithstanding the fact it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost \$470.25.

Mr. FRENZEL 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 \$522.50.

Mr. STOKES 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 \$522.50.

Mr. BIAGGI, immediately preceding the vote on the amendments offered by Ms. HOLTZMAN in the Committee of the Whole today.

Mr. WOLFF, immediately preceding the vote on the amendments offered by Ms. HOLTZMAN in the Committee of the Whole today.

Mr. BROWN of Michigan, immediately following the vote on the Wylie amendment in the Committee of the Whole today.

Mr. YOUNG of Florida, immediately following remarks of Mr. HALEY.

The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. HANRAHAN in three instances.

Mr. ASHBOOK in three instances.

Mr. FINDLEY in three instances.

Mr. BLACKBURN.

Mr. ERLENBORN.

Mr. HOLT.

Mr. RAILSBACK in two instances.

Mr. BIESTER in two instances.

Mr. KEMP.

Mr. McCLORY.

Mr. STEIGER of Arizona.

Mr. WIGGINS.

Mr. HUDNUT in two instances.

Mr. ESCH.

Mr. TALCOTT in two instances.

Mr. GILMAN.

Mr. ZWACH.

Mr. SMITH of New York.

Mr. SANDMAN.

Mr. FROEHLICH.

Mr. WIDNALL.

Mr. FRENZEL.

Mr. FISH.

Mr. PEYSER in five instances.

Mr. GOODLING.

Mr. BOB WILSON.

Mr. SHRIVER in two instances.

Mr. HUBER.

Mr. HUNT.

Mr. DERWINSKI in three instances.

Mr. WYMAN in two instances.

(The following Members (at the request of Mr. JONES of Alabama) and to include extraneous material:)

Mr. LEGGETT.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. EVINS of Tennessee in two instances.

Mr. BURTON.

Mr. TEAGUE of Texas in six instances.

Mr. WILLIAM D. FORD.

Mrs. GRIFFITHS.

Mr. LONG of Maryland in 10 instances.

Mr. ADDABBO in two instances.

Mr. ASPIN in 10 instances.

Mrs. BOGGS.

Mr. JONES of North Carolina.

Mr. MOSS in two instances.

Mr. JONES of Tennessee.

Mr. EDWARDS of California.

Mr. GAYDOS in 10 instances.

Mr. HARRINGTON in four instances.

Mr. MORGAN.

Mr. LEHMAN in 10 instances.

Mr. MEZVINSKY.

Mr. DIGGS in five instances.

Mr. FRASER in five instances.

Mr. BURKE of Massachusetts.

Mr. WALDIE in two instances.

Mr. STUDDS.

Mr. CONYERS.

#### JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 2, 1973, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 719. To extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 84. An act for the relief of Mrs. Naoya Campbell;

S. 89. An act for the relief of Kuay Ten Chang (Kuay Hong Chang);

S. 396. An act for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Co.;

S. 1914. An act to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes; and

S. 2419. An act to correct typographical and clerical errors in Public Law 93-86.

#### ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, October 4, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1420. A letter from the Secretary of the Air Force, transmitting a report on the Air Force military construction contracts awarded by the Department of the Air Force without formal advertisement for the period January 1, 1973 through June 30, 1973, pursuant to section 804, Public Law 90-110; to the Committee on Armed Services.

1421. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms during July 1972 through June 1973, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1422. A letter from the Acting Secretary of the Interior, transmitting the annual report for the calendar year 1972 regarding the administration of the Federal Metal and Nonmetallic Mine Safety Act, pursuant to section 20, Public Law 89-577; to the Committee on Education and Labor.

1423. A letter from the Assistant Secretary of Agriculture, transmitting a preliminary report of actions taken in the implementation of the special supplemental food program for women, infants, and children, pursuant to the National School Lunch Act, as amended by Public Law 92-433; to the Committee on Education and Labor.

1424. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755) as amended, to extend and adapt its provisions to the convention between the United States and the Government of Japan for the protection of migratory birds and birds in danger of extinction, and their environment, concluded at the city of Tokyo, March 4, 1972; to the Committee on Merchant Marine and Fisheries.

## 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. DONOHUE: Committee on the Judiciary. 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; with amendment (Rept. No. 93-539). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 10203. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; with amendment (Rept. No. 93-541). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of Conference. Conference report on H.R. 9639 (Rept. No. 93-540). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. Mr. DULSKI):

H.R. 10700. 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 (for himself, Mr. JONES of Alabama, Mr. WRIGHT, Mr. CLARK, Mr. DORN, Mr. HENDERSON, Mr. ROBERTS, Mr. DON H. CLAUSEN, Mr. HOWARD, Mrs. BURKE of California, Mr. GINN, Mr. MILFORD, Mr. WALSH, Mr. HÉBERT, Mr. PASSMAN, Mr. RARICK, Mrs. BOOGS, Mr. LOTT, Mr. CHARLES, WILSON of Texas, and Mr. WAGGONNER):

H.R. 10701. A bill to amend the act of October 27, 1965, relating to public works on rivers and harbors to provide for construction and operation of certain port facilities; to the Committee on Public Works.

By Mr. ADDABBO:

H.R. 10702. A bill to permit institutions to participate in the veterans' cost-of-living instruction program when at least 5 percent of their undergraduate students are veterans; to the Committee on Education and Labor.

By Mr. BAKER:

H.R. 10703. A bill to amend section 203 of the Economic Stabilization Act in regard to the authority conferred by that section with respect to petroleum products; to the Committee on Banking and Currency.

By Mr. DE LA GARZA:

H.R. 10704. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DU PONT:

H.R. 10705. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. MOAKLEY:

H.R. 10706. A bill to establish a national homestead program under which single-family dwellings owned by the Secretary of Housing and Urban Development may be conveyed at nominal cost to individuals and families who will occupy and rehabilitate them; to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself and Mr. WOLFF):

H.R. 10707. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

By Mr. SNYDER:

H.R. 10708. A bill, Emergency Medical Services System Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN (for himself, Mr. WON PAT, Mr. BROWN of California, Mr. TIERNAN, Mr. RIEGLE, Mr. WILLIAMS, Mr. MAYNE, Mr. GILMAN, Mr. YATRON, Mr. FOUNTAIN, Mr. EILBERG, Mr. RON CALLO of New York, Mr. NICHOLS, and Mrs. HECKLER of Massachusetts):

H.R. 10709. A bill to create a corporation for profit to develop commercially feasible processes for the conversion of coal to crude oil and other liquid and gaseous hydrocarbons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN (for himself and Mr. SCHNEEBELI):

H.R. 10710. A bill to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself and Mr. BROTHILL of Virginia):

H.R. 10711. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ASPIN:

H.R. 10712. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted mem-

bers of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

By Mr. DENT (for himself, Mr. PERKINS, Ms. ABZUG, Mr. ASHLEY, Mr. BELL, Mr. BENITEZ, Mr. BIAGGI, Mr. BLATNIK, Mr. BOLAND, Mr. BRASCO, Mr. BROWN of Ohio, Mr. BURTON, Mr. CARNEY of Ohio, Mr. CLAY, Mr. CONYERS, Mr. COTTER, Mr. DOMINICK V. DANIELS, Mr. EDWARDS of California, Mr. FASCELL, Mr. FLOOD, Mr. WILLIAM D. FORD, Mr. GAYDOS, Mrs. GRASSO, and Mr. HARSHA):

H.R. 10713. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. THOMPSON of New Jersey, Mr. HAWKINS, Mr. HAYS, Mr. HELSTOSKI, Mr. HOLIFIELD, Mr. LEHMAN, Mr. LENT, Mr. MATHIS of Georgia, Mr. MAZZOLI, Mr. MEEDS, Mrs. MINK, Mr. MOAKLEY, Mr. OBEY, Mr. O'BRIEN, Mr. O'HARA, Mr. PEYSER, Mr. POELL, Mr. QUIE, Mr. RODINO, Mr. SARASIN, Mr. STUDS, Mr. TIERNAN, and Mr. VIGORITO):

H.R. 10714. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. WIDNALL, Mr. WILLIAMS, Mr. CHARLES H. WILSON of California, Mr. WON PAT, Mr. YATRON, Mr. BRECKINRIDGE, and Mr. NIX):

H.R. 10715. A bill to revise the Welfare and Pension Disclosure Act; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. HAYS, Mr. SMITH of New York, Mr. SCHERLE, Mr. HECHLER of West Virginia, Mr. SEIBERLING, Mr. CRONIN, Mr. JAMES V. STANTON, Mr. LANDRUM, Mr. HALEY, and Mr. DELANEY):

H.R. 10716. 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. FROELICH (for himself, Mr. OBEY, Mr. MEEDS, Mr. SAYLOR, Mr. LUJAN, Ms. ABZUG, Mr. ANDERSON of Illinois, Mr. ASPIN, Mr. BINGHAM, Mr. BLATNIK, Mrs. BURKE of California, Mr. CAMP, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLENBACK, Mr. DE LUGO, Mr. DERWINSKI, Mr. ERLENBORN, Mr. FRASER, Mrs. GREEN of Oregon, and Mrs. HANSEN of Washington):

H.R. 10717. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FROELICH (for himself, Mr. OBEY, Mr. MEEDS, Mr. GERALD R. FORD, Mr. HARRINGTON, Mr. HOSMER, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. KAZEN, Mr. KETCHUM, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. OWENS, Mr. RANGEL, Mr. REUSS, Mr. ROYBAL, Mr. RUPPE, and Mr. SARABANES):

H.R. 10718. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FROELICH (for himself, Mr. OBEY, Mr. MEEDS, Mr. SEIBERLING, Mr. STEELMAN, Mr. STEIGER of Arizona,

Mr. STEIGER of Wisconsin, Mr. TAYLOR of North Carolina, Mr. THOMSON of Wisconsin, Mr. TOWELL of Nevada, Mr. UDALL, Mr. WALDIE, Mr. WON PAT, Mr. YOUNG of Alaska, Mr. YOUNG of Georgia, Mr. ZABLOCKI, and Mr. CONLAN:

H.R. 10719. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLORY:

H.R. 10720. A bill to establish a program for the United States to convert to the international metric system; to the Committee on Science and Astronautics.

By Mr. ROYBAL:

H.R. 10721. A bill to regulate expenditures of appropriated funds with respect to private property used as residences by the President and Vice President of the United States; to the Commission on Public Works.

By Mr. ROYBAL (for himself and Ms. SCHROEDER):

H.R. 10722. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, so that benefits for husbands and widowers will be payable on the same basis as benefits for wives and widows; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 10723. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

H.R. 10724. A bill to provide relief from shore damages attributable to high water levels in the Great Lakes, and for other purposes; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 10725. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling wastepaper; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 10726. A bill to permit the State of California to terminate the social security coverage of all members of the State employees retirement system except State legislators; to the Committee on Ways and Means.

By Mr. BEARD:

H.R. 10727. A bill to prohibit most-favored-nation treatment and commercial and guaranteed agreements with respect to any non-market economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 10728. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 10729. A bill to amend the act entitled "An act to provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes", to authorize a national competition for proposals to redesign the L'Enfant designed portion of the Nation's Capital to meet the country's demands for the Federal City for the next 100 years, and for other purposes; to the Committee on Public Works.

By Mr. MARAZITI:

H.R. 10730. A bill to authorize the President of the United States to allocate energy and fuels when he determines and declares that extraordinary shortages or dislocations in the distribution of energy and fuels exist or are imminent and that the public health, safety,

or welfare is thereby jeopardized; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 10731. A bill to amend the Federal Property and Administrative Service Act of 1949, as amended, to provide for the assignment of surplus real property to executive agencies for disposal and for other purposes; to the Committee on Government Operations.

By Mr. OWENS (for himself, Mr. BERGLAND, Mr. DELLUMS, Mr. DUNCAN, Mr. FINLEY, Mr. GUNTER, Mr. HARRINGTON, Ms. HECKLER of Massachusetts, Mr. HEINZ, Mr. LEGGETT, Mr. MAYNE, Mr. NICHOLS, Mr. PRICE of Texas, Mr. WOLFF, and Mr. YATRON):

H.R. 10732. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 10733. A bill limiting exports of copper, and for other purposes; to the Committee on Banking and Currency.

H.R. 10734. A bill to authorize the Administrator of the General Services Administration to provide technical assistance to cities to implement programs which are designed to increase the use of carpools by commuters; to the Committee on Government Operations.

By Mr. MOAKLEY:

H.J. Res. 751. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Guglielmo Marconi; to the Committee on Post Office and Civil Service.

By Mr. WIGGINS:

H.J. Res. 752. Joint resolution proposing an amendment to the Constitution of the United States relative to information proceedings and grand jury indictment; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. ANDERSON of California, Mr. ANNUNZIO, Mr. BADILLO, Mr. BELL, Mr. BOGLAND, Mr. BRASCO, Mrs. CHISHOLM, Mr. DELANEY, Mr. DRINAN, Mr. EDWARDS of California, Mr. ESHLEMAN, Mr. FASCCELL, Mr. FISH, Mr. FRASER, Mr. FREY, Mr. GILMAN, Mrs. GRASSO, Mr. GUNTER, Mr. HARRINGTON, Mr. HAWKINS, Mr. HAYS, Miss HOLTZMAN, Mr. ICHORD, and Mr. KEMP):

H. Con. Res. 324. Concurrent resolution expressing the sense of the Congress regarding the free emigration and expression of ideas by citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. BRADEMAS (for himself, Mr. KOCH, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MADDEN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. NEDZI, Mr. OBEY, Mr. PEPPER, Mr. PEYSER, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. REID, Mr. ROE, Mr. ROYBAL, Mr. SARBAKES, Mr. THOMPSON of New Jersey, Mr. WALDIE, Mr. WHITEHURST, Mr. YATES, Mr. BIAGGI, and Mr. WOLFF):

H. Con. Res. 325. Concurrent resolution expressing the sense of the Congress regarding the free emigration and expression of ideas by citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. BRADEMAS (for himself, Ms. ABZUO, and Mr. HOWARD):

H. Con. Res. 326. Concurrent resolution expressing the sense of the Congress regarding the free emigration and expression of ideas by citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Con. Res. 327. Concurrent resolution to call upon the President to take action regarding the closing of the Schoenau process-

ing center in Austria; to the Committee on Foreign Affairs.

By Mr. FROELICH (for himself, Mr. BERGLAND, Mr. GILMAN, Mr. McDade, Mr. MALLARY, Mr. MITCHELL of New York, Mr. ROUSSELOT, Mr. RUPPE, Mr. SHOUP, Mr. STEIGER of Wisconsin, Mr. SYMMS, Mr. WYMAN, and Mr. YOUNG of Alaska):

H. Con. Res. 328. Concurrent resolution requesting the President to proclaim January 14 through January 20, 1974, as "National Snowmobiling Week"; to the Committee on the Judiciary.

By Mr. HILLIS:

H. Con. Res. 329. Concurrent resolution providing for continued close relations with the Republic of China; to the Committee on Foreign Affairs.

By Mr. RAILSBACK (for himself, Mr. BERGLAND, Mr. FOUNTAIN, Mr. GUNTER, Mr. HANSEN of Idaho, Mr. KETCHUM, Mr. MAYNE, Ms. SCHROEDER, Mr. SEIBERLING, Mr. WHITEHURST, Mr. WINN, and Mr. WYATT):

H. Con. Res. 330. Concurrent resolution that all citizens should reduce the temperatures of the home and place of work by 2 degrees during the approaching cold period in order to conserve energy; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself, Mr. ROSE, Mr. ROYBAL, Mr. RONCALLO of New York, Mr. WON PAT, and Mr. CHARLES WILSON of Texas):

H. Res. 577. Resolution that it is the sense of the House that the U.S. Ambassador to Austria be withdrawn until the Austrian Government reinstates its policy permitting transit for Soviet Jews; to the Committee on Foreign Affairs.

By Mr. ESHLEMAN:

H. Res. 578. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the 1973 pricing policies and profit margins of the major oil companies; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 10735. A bill for the relief of Samuel D. Demonteverde; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 10736. A bill for the relief of Judy Ann Allen, Katherine Adell Cooper, Victoria Machado Davenport, Margaret Agnes Davidson, Linda Mae Epperson, Tom Epperson, Josephine M. King, Ronald Lowell King, Wesley Bryant King, Richard Phillip King, Steven Dale King, Randolph Clark King, Weldon Scott King, Rebecca Laureen King, Russell Eugene King, Sharon Lee Smith, and Delores Y Fernandez Winje; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

305. The SPEAKER presented a petition of Ernest F. Butler, Sr. and others, Washington, D.C., relative to home rule for the District of Columbia; to the Committee on the District of Columbia.

306. Mr. HEDDLE presented a petition of the city-county council, Indianapolis, Marion County, Ind., requesting the Congress to enact legislation removing education from the jurisdiction of the Federal courts and propose an amendment to the Constitution of the United States to prohibit the assignment of children to schools on the basis of race; to the Committee on the Judiciary.