over 150 classes at West Point. The young men so educated and developed have carried the United States Military Academy's motto, "Duty, Honor, Country," into the United States Armed Services and into America, as well as into the military forces of many of our allies.

Only about 9 percent of the Officer Corps of the Army are West Point graduates. Still this small group, over a period of a great many years, has instilled these ethics into our One Army team.

There have been breaches of The Code at West Point and in the Army but, just as the Honor Code at West Point is guarded and enforced by the cadets themselves, so has the Army moved swiftly to take care of each such situation. Our country cannot afford to do less. In so doing it demonstrates its strength.

The Cadet Code of Honor will stand up under analysis. It has two parts: First, "A cadet does not lie, cheat or steal," and, second, he does not "tolerate those who do." It is through the second part that the Cadet Honor Code gains its strength and effectiveness. Without it the honor system at West Point would have disappeared long ago.

Masons can detect a general similarity between the Code of Honor of West Point and the code of ethics of our Fraternity. The first is lived with and developed day by day over a period of four years while one is a cadet. The code of ethics of a Mason is developed in a sublime manner, starting with the teachings of an Entered Apprentice and progressing step by step as one moves on through the varied degrees, which can take many years.

The aim is the same: Try to make man more perfect as he progresses through life, charged with greater and greater responsibilities year by year. The similarities between the Cadet Code of Honor and the teachings on the ethics of Masonry are striking to me as one who has been privileged to have progressed through both schools of development.

Those of us who have had the advantage of these teachings should not only be confident that morals and ethics will triumph but, further, we must assist in the effort to search out and help remove the causes of the situations that lead to breaches of the code.

HOUSE OF REPRESENTATIVES—*Friday, October 12, 1973*

The House met at 12 o'clock noon.

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

Create in me a clean heart, O God, and renew a right spirit within me.—Psalms 51: 10.

O God and Father of us all, who hast taught us that in quietness and confidence shall be our strength, by the might of Thy spirit lift us into Thy presence where we may be still and know that Thou art God.

We come to Thee with hearts saddened by the resignation of our Vice President. We pray for him and for his family—that Thy loving presence may live in their hearts, Thy gracious spirit may lead them in the way they should go and Thy forgiving grace may strengthen them for every noble endeavor.

Grant unto our President wisdom as he proceeds to nominate another Vice President and lead the Members of Congress to make a wise and worthy decision in response to the nomination to be made.

In this crucial hour save us from the maddening maze of mistaken moods and give to us all insight and inspiration to apply our hearts unto wisdom and to bring our actions up to the higher level of our Nation's greater good.

With the spirit of Him who is the way, the truth, and the life—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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3180. An act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes.

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

S. 1864. An act to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests, in the State of Colorado;

S. 2300. An act to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry;

S. 2491. An act to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains;

S.J. Res. 158. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; and

S. Con. Res. 51. Concurrent resolution expressing the appreciation of Congress to Vietnam veterans on Veterans Day 1973.

NEW YORK DELEGATION OFFERS CHALLENGE TO CALIFORNIA DELEGATION

(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, in these times of heavy responsibility of the House of Representatives and Congress generally, sometimes a light touch is in order.

Those of us in the New York delegation who are supporting our winning baseball team, the Mets, would like to throw down the gauntlet to the California delegation and their Oakland team offering them a challenge, backing it up with some New York State champagne.

The "Amazin's" have done it again, thanks to people like Tug McGraw, Tom Seaver, and, of course, two long-time greats, Yogi Berra and Willie Mays. It is perfectly clear that the Mets are going to again vanquish their enemies, this time some people from way out West, the way they did 4 glorious years ago.

We knew all the time this was going to happen—you just gotta bee-lieve!

My sympathies are with the California delegation, because they are going to be mighty disappointed once this series is over.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION, 1974

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight Saturday, October 13, to file a conference report on H.R. 9286, to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

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

There was no objection.

THE CASE OF VLADIMIR SLEPAK

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

Mr. EILBERG. Mr. Speaker, the people of the Soviet Union are not free to emigrate even though they are not welcome in their present homeland and the country they wish to go to wants them very badly.

Vladimir Slepak, of Moscow, is a first-rate radio and television engineer. He was in charge of television research at the scientific institute, but was fired from his post in March 1970, after he applied for an emigration visa.

In February 1972, with eight visa denials on his record, Slepak was ordered to work at a concrete factory or face trial as a parasite.

Slepak suffers from chronic thrombophlebitis, and was unfit for the assigned work. However, the factory manager insisted that Slepak refused to work. Slepak was spared being tried as a para-

site because of an intensive publicity campaign in the United States.

Slepak has been waiting for an exit visa since 1969. During these years he has been arrested four times and his family has suffered continuous harassment.

Now, Vladimir Slepak is a television photographer. In his briefcase, he always carries winter clothing because he never knows when the police will arrest him and the jails are freezing cold, even in summer.

Let us speak up for the right of people to be free. Congress must support the Mills-Vanik amendment.

CALIFORNIA ACCEPTS NEW YORK'S CHALLENGE, BUT REJECTS NEW YORK CHAMPAGNE

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

Mr. VAN DEERLIN. Mr. Speaker, I was taken back when the gentleman from New York (Mr. WOLFF) arose with his challenge regarding the upcoming world series. Naturally, Californians are not reluctant to accept any challenge from New York, and certainly that extends to baseball. But the gentleman has offered a bad deal in New York State champagne. We will simply have to insist on something more closely approximating legal tender than New York State champagne.

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

Mr. VAN DEERLIN. I suppose I must yield to the gentleman from New York.

Mr. WOLFF. We would agree to buy California wines if you win and then we would be faced with a lovable loss we would hope the gentleman would buy New York State champagne when the Mets win.

Mr. RONCALLO of New York. Will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. I submit that California has done nothing comparable to the New York State champagne.

Mr. VAN DEERLIN. The only thing I can suggest to match New York State champagne would be the San Diego Padres.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A CONFERENCE REPORT ON S. 2016, AMENDING RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a conference report on S. 2016, to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

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

There was no objection.

CONFERENCE REPORT (H. REPT. No. 587)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That this Act may be cited as the "Amtrak Improvement Act of 1973".

SEC. 2. Section 102 of the Rail Passenger Service Act of 1970 (45 U.S.C. 502), relating to definitions, is amended—

(1) by striking out paragraph (5), relating to the definition of intercity rail passenger service, and inserting in lieu thereof the following:

"(5) 'Intercity rail passenger service' means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations."; and

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

"(9) 'Auto-ferry service' means intercity rail passenger service characterized by transportation of automobiles and their occupants.".

SEC. 3. (a) Section 303(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543 (a)), relating to the board of directors, is amended to read as follows:

"(a)(1) The Corporation shall have a board of directors consisting of seventeen individuals who are citizens of the United States selected as follows:

"(A) The Secretary of Transportation, ex officio.

"(B) Nine members appointed by the President, by and with the advice and consent of the Senate, to serve for terms of four years or until their successors have been appointed and qualified, of whom not more than five shall be appointed from the same political party.

"(C) Three members elected annually by the common stockholders of the Corporation.

"(D) Four members elected annually by the preferred stockholders of the Corporation, which members shall be elected as soon as practicable after the first issuance of preferred stock by the Corporation.

"(2) Any vacancy in the membership of the board shall be filled in the same manner as in the case of the original selection; except that any member appointed by the President under paragraph (1)(B) of this subsection to fill a vacancy shall be appointed only for the unexpired term of the member he is appointed to succeed.

"(3) The board shall elect one of its members annually to serve as Chairman.

"(4) Not less than three members appointed by the President shall be designated by him, at the time of their appointment, to serve as consumer representatives, of whom not more than two shall be members of the same political party.

"(5) Each member not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each member shall be reimbursed for necessary travel and subsistence expenses incurred in attending meetings of the board.

"(6) No member elected by railroads shall vote on any action of the board relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at meetings of the board at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at any such meeting.

"(7) No member appointed by the President may—

"(A) have any direct or indirect financial or employment relationship with any railroad, nor

"(B) have any significant direct or indirect financial relationship, or any direct or indirect employment relationship, with any person engaged in the transportation of passengers in competition with the Corporation, during the time that he serves on the board.

"(8) Pending the election of the four members by the preferred stockholders of the Corporation under paragraph (1)(D) of this subsection, seven members shall constitute a quorum for the purpose of conducting the business of the board.

"(9) Any vacancy in the membership of the board of directors required to be filled by appointment by the President under paragraph (1)(B) of this subsection shall be filled by the President not more than one hundred and twenty days after such vacancy occurs.".

(b)(1) Notwithstanding any other provision of law, the term of each member of the board of directors appointed by the President under section 303(a) of the Rail Passenger Service Act of 1970 (as in effect on the day before the date of enactment of this Act) who is serving under such appointment on such date of enactment, shall expire on the thirtieth day after such date of enactment, except that such member so serving shall continue to serve until his successor is appointed and qualified or until the expiration of the one-hundred-twenty-day period beginning on the thirtieth day after such date of enactment, whichever first occurs. No member of the board of directors referred to in the preceding sentence shall be ineligible for appointment of such a member after the date of enactment of this Act solely by reason of the enactment of such preceding sentence.

(2) Notwithstanding section 303(a)(1)(B) of the Rail Passenger Service Act of 1970, of the members of the board of directors first appointed by the President under such section 303(a)(1)(B), three shall be appointed to serve for terms of two years and three shall be appointed to serve for terms of three years.

SEC. 4. (a) Section 305(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 545 (a)), relating to general powers of the Corporation, is amended by striking out the second sentence thereof.

SEC. 5. Section 305(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 545(b)), relating to general powers of the Corporation, is amended by striking out the second sentence and inserting in lieu thereof the following: "In order to increase revenues and to better accomplish the purposes of this Act, the Corporation is authorized to modify its services to provide auto-ferry service as a part of the basic passenger services authorized by this Act, except that nothing contained in this Act shall prevent any other person, other than a railroad (except that for purposes of this section a person primarily engaged in auto-ferry service shall not be deemed to be a railroad), from providing such auto-ferry service over any route in accordance with a certificate issued by the Commission if—

"(1) the Commission finds that such auto-ferry service—

"(A) will not impair the ability of the Corporation to reduce its losses or to increase its revenues, and

"(B) is required to meet the demands of the public, or

"(2) such auto-ferry service is being performed by such person on the date of enactment of this paragraph under contracts entered into before October 30, 1970.

Nothing in this section shall be construed to restrict the right of a railroad that has not entered into a contract with the Corporation for the provision of rail passenger service from performing auto-ferry service over its own lines. The Corporation is authorized to acquire, lease, modify, or develop the equipment and facilities required for the efficient provisions of mail, express, and auto-ferry service, or to enter into contracts for the provision of such service.".

SEC. 6. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545), relating to general powers of the Corporation, is amended by adding at the end thereof the following new subsections:

"(c) The Corporation is authorized to take all steps necessary to insure that no elderly or handicapped individual is denied intercity transportation on any passenger train operated by or on behalf of the Corporation, including but not limited to, acquiring special equipment and devices and conducting special training for employees; designing and acquiring new equipment and facilities and eliminating architectural and other barriers in existing equipment and facilities to comply with the highest standards for the design, construction, and alteration of property for the accommodation of elderly and handicapped individuals; and providing special assistance while boarding and alighting and in terminal areas to elderly and handicapped individuals.

"(d)(1) The Corporation is authorized, to the extent financial resources are available, to acquire any right-of-way, land, or other property (except right-of-way, land, or other property of a railroad or property of a State or political subdivision thereof or of any other governmental agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, by the exercise of the right of eminent domain, in accordance with the provisions of this subsection, in the district court of the United States in which such property is located or in any such court if a single piece of property is located in more than one judicial district: *Provided*, That such right may only be exercised when the Corporation cannot acquire such property by contract or is unable to agree with the owner as to the amount of compensation to be paid.

"(2) The Corporation shall file with the complaint, or at any time before judgment, a declaration of taking containing or having annexed thereto—

"(A) a statement of the public use for which the property is taken;

"(B) a description of the property taken sufficient for the identification thereof;

"(C) a statement of the estate or interest in the property taken;

"(D) a plan showing the property taken; and

"(E) a statement of the amount of money estimated by the Corporation to be just compensation for the property taken.

"(3) Upon the filing of the declaration of taking and the depositing in the court of the amount of money estimated in such declaration to be just compensation for the property, the property shall be deemed to be condemned and taken for the use of the Corporation. Title to such property shall thereupon vest in the Corporation in fee simple absolute or in any lesser estate or interest specified in the declaration of taking, and the right to the money deposited as estimated just compensation shall immediately vest in the persons entitled thereto. The court, after a hearing, shall make a finding as to the amount of money which constitutes just compensation for such property and shall make an award and enter judgment accordingly. Such judgment shall include, as part of the just compensation awarded, interest on the amount finally awarded as the value of the property on the date of taking minus the amount deposited in the court on such date, at the rate of 6 per centum per annum from the date of taking to the date of payment.

"(4) Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. If the compensation finally awarded exceeds the amount of the money received by any person entitled to compensation, the court shall enter judgment against the Corporation for the amount of the deficiency.

"(5) Upon the filing of a declaration of taking the court may fix the time within which, and the terms upon which, the parties in possession are required to surrender possession to the Corporation. The court may make such orders in respect to encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

"(e) The Corporation is authorized to take all steps necessary to—

"(1) establish improved reservations systems and advertising;

"(2) service, maintain, repair, and rehabilitate railroad passenger equipment;

"(3) conduct research and development and demonstration programs respecting new rail passenger services;

"(4) develop and demonstrate improved rolling stock;

"(5) establish and maintain essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system, over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines on the same or different railroads;

"(6) purchase or lease railroad rolling stock;

"(7) develop and operate international intercity rail passenger service between points within the United States and points in Canada and Mexico, including Montreal, Canada; Vancouver, Canada; and Nuevo Laredo, Mexico (for purposes of section 404(b) of this Act, such international rail passenger service is service included within the basic system); and

"(8) to carry out other corporate purposes.".

SEC. 7. Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546), relating to the applicability of the Interstate Commerce Act and other laws, is amended by adding at the end thereof the following new subsection:

"(h) No common carrier by railroad may refuse to participate with the Corporation in providing auto-ferry service on the grounds that a State or local law or regulation makes the service unlawful; and neither the Corporation nor such railroad shall be subject to any fine, penalty, or other sanction for violation of a State or local law or regulation which has the effect of prohibiting or impairing the provision of auto-ferry service.".

SEC. 8. Section 308(b) of the Rail Passenger Service Act (45 U.S.C. 548(b)), relating to reports to the Congress, is amended by striking out "January 15" and inserting in lieu thereof "February 15".

SEC. 9. Section 401(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 561(c)), relating to the prohibition against other persons conducting intercity rail passenger service, is amended by striking out "No railroad or any other person" and inserting in lieu thereof "Except as provided in section 305(b) of this Act concerning autoferry service, no railroad or any other person".

SEC. 10. Section 402 of the Rail Passenger Service Act of 1970 (45 U.S.C. 562), relating to facility and service agreements, is amended—

(1) by inserting immediately after the second sentence of subsection (a) the following new sentence: "In fixing just and reasonable compensation for the provision of services ordered by the Commission under the preceding sentence, the Commission shall, in fixing compensation in excess of incremental costs, consider quality of service as a major factor in determining the amount (if any) of such compensation."; and

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

"(d)(1) If the Corporation and a railroad are unable to agree upon terms for the sale to the Corporation of property (including interests in property) owned by the railroad and required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, the Corporation may apply to the Commission for an order establishing the need of the Corporation for the property at issue and requiring the conveyance thereof from the railroad to the Corporation on reasonable terms and conditions, including just compensation. Unless the Commission finds that—

"(A) conveyance of the property to the Corporation would significantly impair the ability of the railroad to carry out its obligations as a common carrier; and

"(B) the obligations of the Corporation to provide modern, efficient, and economical rail passenger service can adequately be met by the acquisition of alternative property (including interests in property) which is available for sale on reasonable terms to the Corporation, or available to the Corporation by the exercise of its authority under section 305(d) of this Act;

the need of the Corporation for the property shall be deemed to be established and the Commission shall order the conveyance of the property to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation.

"(2) The Commission shall expedite proceedings under this subsection and, in any event, issue its order within one hundred and twenty days from receipt of the application from the Corporation. If just compensation has not been determined on the date of the order, the order shall require, as part of just compensation, interest at the rate of 6 per centum per annum from the date prescribed for conveyance until just compensation is paid.

"(e)(1) Except in an emergency, intercity passenger trains operated by or on behalf of the Corporation shall be accorded preference over freight trains in the use of any given line of track, junction, or crossing, unless the Secretary has issued an order to the contrary in accordance with paragraph (2) of this subsection.

"(2) Any railroad whose rights with regard to freight train operation are affected by paragraph (1) of this subsection may file an application with the Secretary requesting appropriate relief. If, after hearing under section 553 of title 5 of the United States Code, the Secretary finds that adherence to such paragraph (1) will materially lessen the quality of freight service provided to shippers, the Secretary shall issue an order fixing rights of trains, on such terms and conditions as are just and reasonable.

"(f) If, upon request of the Corporation, a railroad refuses to permit accelerated speeds by trains operated by or on behalf of the Cor-

poration, the Corporation may apply to the Secretary for an order requiring the railroad to permit such accelerated speeds. The Secretary shall make findings as to whether such accelerated speeds are unsafe or otherwise impracticable, and with respect to the nature and extent of improvements to track, signal systems, and other facilities that would be required to make such accelerated speeds safe and practicable. After hearing, the Secretary shall issue an order fixing maximum permissible speeds of Corporation trains, on such terms and conditions as he shall find to be just and reasonable.".

SEC. 11. (a) Section 403 of the Rail Passenger Service Act of 1970 (45 U.S.C. 563), relating to new service, is amended by adding at the end thereof the following new subsection:

"(d) The Corporation shall initiate not less than one experimental route each year, such route to be designated by the Secretary, and shall operate such route for not less than two years. After such two-year period, the Secretary shall terminate such route if he finds that it has attracted insufficient patronage to serve the public convenience and necessity, or he may designate such route as a part of the basic system.".

(b) Section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)), relating to discontinuance of service, is amended—

(1) by striking out "July 1, 1973" in paragraph (1) and inserting in lieu thereof "July 1, 1974";

(2) by amending paragraph (2) to read as follows:

"(2) Except as otherwise provided in this paragraph and in section 403(a) of this Act, service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time. No such service undertaken by the Corporation on or after January 1, 1973, shall be discontinued until the expiration of the one-year period beginning on the date of enactment of this sentence."; and

(3) by striking out "July 1, 1973" in paragraph (3) and inserting in lieu thereof "July 1, 1974".

SEC. 12. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601), relating to Federal grants, is amended to read as follows:

"SEC. 601. AUTHORIZATION FOR APPROPRIATIONS

"(a) There are authorized to be appropriated to the Secretary for the benefit of the Corporation in fiscal year 1971, $40,000,000, and in subsequent fiscal years a total of $334,300,000. Funds appropriated pursuant to such authorization shall be made available to the Secretary during the fiscal year for which appropriated and shall remain available until expended. Such sums shall be paid by the Secretary to the Corporation for expenditure by it in accordance with spending plans approved by Congress at the time of appropriation and general guidelines established annually by the Secretary.

"(b)(1) Whenever the Corporation submits any budget estimate or request to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Corporation submits any legislative recommendation, proposed testimony, or comments on legislation to the President, the Department of Transportation, or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Corporation to submit its legislative recommendations, proposed testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.".

SEC. 13. Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602), relating to guarantee of loans, is amended—

(1) by inserting "and with the approval of the Secretary of the Treasury," immediately after "prescribe," in subsection (a);

(2) by amending the first sentence of subsection (d) to read as follows: "The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time, which are guaranteed by the Secretary under this section, may not exceed $500,000,000."; and

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

"(g) Notwithstanding any other provision of this Act, a guarantee may not be made of any security, obligation, or loan, if the nature of such security, obligation, or loan is such that the income therefrom is not includable in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954.".

SEC. 14. Section 801 of the Rail Passenger Service Act of 1970 (45 U.S.C. 641) is amended to read as follows:

"SEC. 801. ADEQUACY OF SERVICE

"(a) The Commission shall promulgate, within 60 days from the date of enactment of the Amtrak Improvement Act of 1973, and shall from time to time revise, such regulations as it considers necessary to provide adequate service, equipment, tracks, and other facilities for quality intercity rail passenger service. The Corporation may contract with railroads or with regional transportation agencies for the improvement of service, equipment, tracks and other facilities necessary to meet such regulations promulgated by the Commission. In the event of a failure to agree, the Commission shall by rule establish procedures for allocating between the Corporation and a railroad any costs required to be incurred to meet the regulations establishing adequate service, equipment, tracks, and other facilities.

"(b) Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.".

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
BROCK ADAMS,
BERTRAM L. PODELL,
RALPH H. METCALFE,
JAMES HARVEY,
DAN KUYKENDALL,
J. SKUBITZ,
DICK SHOUP,
Managers on the Part of the House.

WARREN MAGNUSON,
VANCE HARTKE,
ADLAI STEVENSON,
M. W. COOK,
J. G. BEALL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

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

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the Senate bill, the house amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

Unless otherwise indicated, in this joint explanatory statement "existing law" refers to the "Rail Passenger Service Act of 1970".

SHORT TITLE

Senate bill

The Senate bill provided that this legislation should be cited as the "AMTRAK Improvement Act of 1973".

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

DEFINITIONS

The Senate bill, the House amendment and the conference substitute contained provisions amending section 102 of existing law to redefine the term "intercity rail passenger service" to exclude references to auto-ferry service characterized by transportation of automobiles and their occupants.

The term auto-ferry service is defined to mean intercity rail passenger service characterized by transportation of automobiles and their occupants.

BOARD OF DIRECTORS

Senate bill

No provision.

House amendment

The House amendment amended section 303(a) of existing law to restructure the board of directors of AMTRAK as follows:

(1) The number of directors was increased from fifteen to seventeen consisting of the Secretary of Transportation, ex officio, nine directors appointed by the President, and confirmed by the Senate, three directors elected annually by common stockholders of AMTRAK (railroads), four directors to be elected annually by preferred stockholders. Directors appointed by the President would serve four-year terms, or until their successors have been appointed and qualified, and not more than five could be appointed from the same political party.

(2) Any vacancy was required to be filled in the same manner as the original selection was made, except that any director appointed by the President would be appointed only for the unexpired term of the director he succeeds.

(3) The directors were required to elect one of their number annually to serve as chairman.

(4) Three of the directors appointed by the President were required to be designated to serve as consumer representatives and not more than two of them could be members of the same political party.

(5) Each director would receive $300 for each board meeting he attended, plus reimbursement for travel and subsistence expenses incurred in attending each meeting.

(6) No member elected by railroads (common stockholders) could vote on any contract or operating relationship between AMTRAK and a railroad but he could be present at the meeting, participate in the discussion, and be counted for purposes of a quorum.

(7) No director appointed by the President could have any direct or indirect financial or employment relationship with any railroad. Also, no such director could have any direct or indirect employment relationship, or any significant direct or indirect finan-

cial relationship. with any person engaged in the transportation of passengers in competition with AMTRAK.

(8) Seven directors would constitute a quorum to conduct business until the election of the four directors by preferred stockholders.

(9) The President was required to fill any vacancy, occurring among directors appointed by him, within 120 days after the vacancy occurs.

The House amendment also provided that the term of each director of AMTRAK serving on the date of enactment of the proposed legislation would expire on the 30th day after such date of enactment, except that each such director would continue to serve until his successor was appointed and qualified or until the expiration of the 120-day period beginning on the day his term expired under this subsection, whichever first occurred. No director would be ineligible for reappointment solely because his term expired under this provision of the House amendment. Notwithstanding the fact that the President appoints directors to serve four-year terms, of the nine directors first appointed by the President under legislation three were required to be appointed to serve for two years and three to serve for three years.

Conference substitute

The conference substitute is the same as the House amendment. The committee of conference expressed its confidence that the President would make timely appointments to the board of directors to be newly constituted so as to permit Senate consideration and confirmation of the appointees within the hundred and twenty day period. Without such timely appointment and confirmation the board could be prevented from acting due to a lack of a quorum on the board.

The committee of conference is concerned that representatives of the common stockholders serving on the board are not always able to divorce themselves from their railroad responsibilities when serving on the board. If the commitment of the railroad representatives on the board to the success of AMTRAK remains in doubt, members of the committee of conference will seek a legislative solution to the problem.

USE OF RAILROAD EMPLOYEES

Senate bill

The Senate bill amended section 305 of existing law to delete the second sentence of subsection (a), relating to use of railroad employees, which reads as follows: "The Corporation shall, consistent with prudent management of the Affairs of the Corporation, rely upon railroads to provide the employees necessary to the operation and maintenance of its passenger trains and to the performance of all services and work incidental thereto, to the extent the railroads are able to provide such employees and services in an economic and efficient manner."

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

AUTO-FERRY SERVICE

Senate bill

The Senate bill authorized AMTRAK to provide auto-ferry service as part of the basic passenger services authorized by existing law. The Corporation was authorized and directed to acquire, modify, or develop the equipment and facilities required for the efficient provision of mail, express, and auto-ferry service. The Senate bill further provided that nothing in existing law would prevent any other person from engaging in auto-ferry service over any route, whether or not such route was a part of the basic system.

House amendment

The House amendment also amended section 305(b) of existing law to authorize AMTRAK to provide auto-ferry service as a part of the basic passenger services authorized by existing law. It further provided that nothing contained in existing law would prevent any other person (other than a railroad) from engaging in auto-ferry service over any route if such person satisfied the Interstate Commerce Commission that such service was required to meet the demands of the public and would not impair the ability of AMTRAK to increase its revenues or reduce its losses. The House amendment also contained a so-called grandfather clause permitting any person performing auto-ferry services on the date of enactment of the proposed legislation under contracts entered into before October 30, 1970, to engage in such services over such routes. The House amendment also provided that nothing in this section of existing law would be construed to restrict the right of a railroad that has not entered into a contract under section 401 of existing law to be relieved of responsibility for performing intercity rail passenger service from performing auto-ferry service over its own lines. AMTRAK was further authorized to acquire or develop equipment and facilities to provide mail, express, and auto-ferry service or to contract for such services.

Conference substitute

The committee of conference agreed to a substitute provision which confirms AMTRAK's authority to institute auto-ferry service as part of the intercity rail passenger service authorized in existing law. Railroads which have entered into contracts with AMTRAK for the provision of rail passenger service would not be permitted to perform non-AMTRAK auto-ferry service over their own lines. Any railroad which has not entered into contracts with AMTRAK for the provision of rail passenger service would not be prevented from performing auto-ferry service over its own lines. Any railroad primarily engaged in auto-ferry service or any other person which is not a railroad can provide auto-ferry service over any route in accordance with a certificate issued by the Commission.

The Commission would issue a certificate if the auto-ferry service is required to meet the demands of the public and the Commission finds that such auto-ferry service (needed to meet the demands of the public) will not unduly impair the ability of AMTRAK to reduce its losses or increase its revenues. The burden of proving that such impairment would not occur would not be on the applicant for the certificate.

Any railroad primarily engaged in auto-ferry service or any other person who is performing auto-ferry service in accordance with a certificate issued by the Commission on the date of enactment of this legislation under contracts entered into before October 30, 1970 may continue to operate such auto-ferry service.

HANDICAPPED AND ELDERLY

Senate bill

The Senate bill authorized AMTRAK to take all steps necessary to assure that elderly and handicapped individuals have equal access to rail passenger transportation facilities. This provision enumerated a number of actions which could be taken to achieve this goal; for instance, the installation of special equipment and devices designed to assist the handicapped or elderly, and the elimination of architectural and other barriers that exist in equipment and facilities; as illustrative of the types of actions AMTRAK was authorized to take to insure that all travelers have equal access to intercity rail transportation facilities.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

STATE AND LOCAL LAW PROHIBITING AUTO-FERRY SERVICE

Senate bill

The Senate bill amended section 306 of existing law to provide that AMTRAK, or any railroad or government agency contracting for the operation of intercity trains would not be subject to any State or local law interfering with efficient provision of mail, express, or auto-ferry service.

House amendment

No provision.

Conference substitute

The conference substitute clarifies the scope of the preemption of State law. The provision agreed to prevents a common carrier by railroad from refusing to participate with AMTRAK in providing auto-ferry service on the grounds that a State or local law or regulation makes *service* unlawful. State or local laws not making service *per se* unlawful—e.g., train crew sizes—would not be preempted by this provision.

ANNUAL REPORT DATE CHANGE

Senate bill

The Senate bill amended section 308(b) of existing law to change the date on which AMTRAK would be required to submit its annual report to Congress from January 15 to March 15 so that it would coincide with the date the Department of Transportation and ICC are required to submit their reports on AMTRAK to the Congress.

House amendment

No provision.

Conference substitute

The conference substitute follows the Senate bill, but requires AMTRAK to submit its annual report on February 15 so that the Department of Transportation and ICC will have that report available before filing their own reports on AMTRAK with the Congress on March 15.

FACILITY AND SERVICE AGREEMENTS

Senate bill

No provision.

House amendment

The House amendment amended section 402(a) of existing law to require the Interstate Commerce Commission, in fixing compensation for the provision of services ordered by the Commission, to consider quality of service as a major factor in determining the amount (if any) of compensation to be paid in excess of incremental costs.

Conference substitute

The conference substitute is the same as the House amendment.

The term "incremental costs", as used by the conferees, is intended to provide a basic level of compensation to be paid a railroad for services provided. It is assumed that this basic level could be supplemented on the basis of quality of service.

The committee of conference recognized the difficulties inherent in costing terminology. The term "incremental costs" is not used by the conferees as a term of art itself. It is intended to provide a basis for payment to the railroad of all costs which would not be incurred if passenger service were not performed for AMTRAK. It is anticipated that the railroad and AMTRAK would agree on a system of bonuses or penalties that would vary the level of payments according to the quality of service provided. In the absence of agreement, the Commission would fix this amount under section 402(a) of

existing law, taking into account the quality of service regulations issued under section 801, as amended. The term "incremental" is to be considered then as meaning those costs which would not be incurred if a particular service were not rendered or a given amount of traffic were not handled. This includes total solely related (or direct) costs of a particular service (both variable and fixed portions of solely related costs), but does not include any portion of common costs. This is also sometimes referred to as "avoidable costs".

The committee of conference notes that the Interstate Commerce Commission, in rendering its decision in Finance Docket 27353 (Sub-No. 1) "Determination of Compensation under Section 402(a) of the Rail Passenger Service Act, as Amended", determined that the Penn Central Transportation Company should receive additional compensation in excess of avoidable costs in the Boston-Washington Corridor. The Commission also decided that the "quality of services to be rendered must be an integral part of the compensation formula".

Present levels of performance by the Penn Central are below acceptable standards. The parties should establish (and if they cannot agree, the Commission should set) standards requiring substantial improvement in those performance aspects that are subject to the Penn Central's control, consistent with the equipment and other capital improvements provided by or required by AMTRAK. It is the conference committee's view that, at present performance levels, the railroads are not entitled to the compensation base that could be established under the Commission's ruling.

The committee of conference expects the Commission, in resolving a compensation dispute between AMTRAK and a railroad, to establish incentives both for performance and cost reductions. The costs of achieving improved performance should not be excessive; and, if costs can be reduced without impairing performance, incentives for achieving such reductions should be provided.

EMINENT DOMAIN

Senate bill

The Senate bill amended section 305 of existing law to give AMTRAK the power of eminent domain so that it could acquire any right-of-way, land, or other property or interest in property (except in any interest in property owned by a railroad or State or political subdivision thereof or any other government agency), which is required for the construction of tracks or other facilities necessary to provide intercity rail passenger service. AMTRAK was authorized to exercise this right only to the extent financial resources were available to pay just compensation for the property taken, and the right could be exercised only when AMTRAK could not acquire the property by contract, or was unable to agree with the owner as to the amount of compensation to be paid. The procedures to be followed when the power of eminent domain is exercised by the Corporation were set out with specificity.

The Senate bill also amended section 402 of existing law to allow AMTRAK to apply to the Interstate Commerce Commission for an order establishing the need of AMTRAK for property (including any interest in property) owned by railroad or governmental entity and to seek an order directing that such railroad or entity convey such property to AMTRAK on reasonable terms and conditions, including just compensation. The procedures that are to be followed in carrying out this power were also set out in detail.

House amendment

The House amendment also amended section 305 of existing law to authorize AMTRAK to acquire any right-of-way, land, or other property required to construct tracks or other facilities necessary to provide intercity rail passenger service through the exercise of the right of eminent domain in the Federal district court for the district in which the property is located, if AMTRAK cannot acquire such property by contract, or is unable to agree with its owner as to the amount of compensation to be paid. The right of eminent domain would not apply to any right-of-way, land, or other property of a railroad or of a State or local government or other public agency.

In order to exercise its right of eminent domain, AMTRAK would be required to file a declaration of taking setting forth—

(1) a description of the property to be taken, together with a plan showing such property;

(2) a statement of the interest to be taken in the property;

(3) a statement of the public use for which it is taken; and

(4) a statement of the amount of money estimated by AMTRAK to be just compensation therefor.

Title to the property interest to be taken would vest in AMTRAK, and the right to just compensation therefor would vest in the persons entitled thereto, upon the filing of the declaration of taking by AMTRAK and the deposit in the court of the amount estimated by AMTRAK as just compensation therefor. The judgment of the court would establish and award just compensation, and include as a part of such compensation interest from the date of taking to the date of payment at the rate of 6 percent per annum on the amount awarded. Interest would not be allowed on the amount deposited in the court by AMTRAK. If the compensation awarded by the court exceeded the amount of AMTRAK's deposit, the court would be required to enter judgment against AMTRAK for the deficiency. The court could order all or any part of AMTRAK's deposit to be paid immediately for or on account of the just compensation to be determined by the court.

The court could make such orders with respect to liens, taxes, assessments, and other charges as would be just and equitable. At the time AMTRAK files a declaration of taking, the court could fix the time within which, and the terms under which, possession of the property must be surrendered to AMTRAK.

The House amendment also amended section 402 of existing law to provide for the method of acquisition of railroad property. This amendment to section 402 of existing law, like the Senate bill, also authorized AMTRAK to apply to the Interstate Commerce Commission for an order establishing AMTRAK's need for railroad property and requiring its conveyance to AMTRAK on reasonable terms and conditions, including just compensation, in any case in which AMTRAK and the railroad concerned cannot agree upon terms for the sale of such property to AMTRAK. AMTRAK's need for the property would be deemed to be established, and the Commission would be required to order the conveyance, unless it found that such conveyance would significantly impair the ability of the railroad to carry out its obligations as a common carrier and that AMTRAK's obligations to provide rail passenger service could be met by the acquisition of alternative property available for sale to AMTRAK on reasonable terms, or available by the exercise of the authority of eminent domain given it under the proposed legislation.

The Commission was authorized to expedite proceedings under this provision and issue its order within 120 days after receiving AMTRAK's application. If, on the date of the order, just compensation has not been fixed, the order would require payment of interest at the rate of 6 percent per annum from the date prescribed for conveyance until payment of just compensation.

Conference substitute

Both the Senate bill and the House amendment contained many substantially identical provisions which are included in the conference substitute. The major differences are as follows:

1. The conference substitute, like the Senate bill, limits AMTRAK's condemnation authority to the financial resources available to AMTRAK. The House amendment contained no such specific limitation.

2. The conference substitute, like that Senate bill, provides that the right to the money deposited as estimated compensation will vest immediately in the persons entitled thereto. The House amendment provided that the right to "just compensation" would vest immediately in the persons entitled thereto. This provision of the conference substitute is not intended to imply that anyone is entitled to more than "just compensation". Rather, it is intended to assure that persons entitled to compensation will have an immediate right thereto. If the amount deposited and paid is more than "just compensation", the judgment of award can require refunding of any excess amount.

CORPORATE POWERS

Senate bill

The Senate bill restated already existing powers of AMTRAK contained in existing law and also consolidated all corporate powers which were formerly contained in the authorization section of existing law.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill. No substantive change is intended in the restatement and consolidation of these provisions.

PASSENGER TRAIN PREFERENCE; MAXIMUM SPEEDS

Senate bill

No provision.

House amendment

The House amendment added a new subsection (e) to section 402 of existing law providing that, except in an emergency, AMTRAK passenger trains must be accorded preference over freight trains unless the Secretary of Transportation, after a hearing held under section 553 of title 5 of the United States Code, made a finding that such preference would materially lessen the quality of freight service provided to shippers. In case of any such finding, the Secretary was required to issue an order fixing rights of trains on such terms and conditions as he determined to be just and reasonable.

The House amendment also added a new subsection (f) to section 402 of existing law providing that AMTRAK could apply to the Secretary of Transportation for an order requiring a railroad to permit accelerated speeds by AMTRAK trains if a railroad refused to permit such accelerated speeds at AMTRAK's request. The Secretary was required, after hearing, to issue an order fixing maximum permissible speeds of AMTRAK trains on such terms and conditions as he determined to be just and reasonable. The Secretary was also required to make findings as to whether such accelerated speeds were unsafe or otherwise impracticable, and also with respect to the nature and extent of track and other improvements necessary to make such speeds safe and practicable.

Conference substitute

The conference substitute is the same as the House amendment.

NEW SERVICE; EXTENDING SERVICE IN BASIC SYSTEM

Senate bill

The Senate bill amended section 403 of existing law to add a new subsection that required AMTRAK to initiate at least one experimental route each year, to be designated by the Secretary of Transportation. These experimental routes were to operate for no less than a period of two years, at which time the

Secretary could decide whether to continue the experimental route. Such determination was to be made at least partially upon the basis of whether or not the route has attracted sufficient patronage to serve the public convenience and necessity. If the route was continued, it would become part of the basic system.

House amendment

The House amendment also added a new subsection to section 403 of existing law requiring AMTRAK to initiate at least one experimental route each year. Such route is to be designated by the Secretary and operated by AMTRAK for not less than two years. If, after such two-year period, the Secretary found that such route had attracted insufficient patronage to serve the public convenience and necessity, he was required to terminate the route. The Secretary was also authorized, after such two-year period, to designate such route as a part of the basic system.

The House amendment also amended section 404(b) of existing law to provide that no service, beyond that prescribed for the basic system, undertaken by AMTRAK on its own initiative on or after January 1, 1973, could be discontinued until the expiration of one year after the enactment of the proposed legislation. This amendment also provided that AMTRAK must continue to provide service within the basic system until July 1, 1974. Under existing law, service within the basic system could be discontinued after July 1, 1973.

Conference substitute

The conference substitute is the same as the House amendment.

FEDERAL FINANCIAL ASSISTANCE TO AMTRAK

Senate bill

The Senate bill amended section 601 of existing law to authorize an appropriation of $185 million for fiscal year 1974 for the use of AMTRAK. All funds appropriated pursuant to this authorization would be made available by the Secretary for payment to AMTRAK during the fiscal year for which appropriated, and would remain available until expended. It further provided that funds paid to AMTRAK by the Secretary would be available for expenditure by AMTRAK in accordance with spending plans approved by the Congress at the time of appropriation.

House amendment

The House amendment amended section 601(a) of existing law to authorize an appropriation of $107.3 million for the fiscal year 1974 for the purpose of enabling the Secretary of Transportation to make grants to AMTRAK to carry out its corporate purposes.

Conference substitute

The conference substitute increases the $227 million authorization contained in existing law to $334.3 million. This is an increase of only $107.3 million, but there is $47 million of the previous authorization remaining unappropriated which is contained in the conference substitute. Thus, the total authorization available to AMTRAK is $154.3 million.

The conference substitute also assures that appropriated funds will remain available until expended. It also prohibits the use of grant agreements to manage the disposition of funds between the Secretary of Transportation and AMTRAK. AMTRAK would expend such sums in accordance with spending plans approved by Congress at the time of appropriation and with general guidelines established annually by the Secretary. The committee of conference believes that the elimination of grant agreements will permit AMTRAK to operate more freely of Government control so as to test the for-profit concept in the provision of intercity rail passenger service. This provision will also enable the Congress to carry out more effectively its oversight functions by pinpointing responsibility for successes or failures in the provision of rail passenger service.

LOAN GUARANTEES

Senate bill

The Senate bill amended section 602 of existing law to increase the maximum permissible loan guarantee authority from $200 million to $500 million. The Senate bill also prohibited guarantee of securities, obligations, or loans, the income from which is not includable in gross income for purposes of chapter I of the Internal Revenue Code of 1954.

House amendment

The House amendment amended section 602(a) of existing law to require the approval of the Secretary of the Treasury of any guarantee issued by the Secretary of Transportation to any lender against loss of principal and interest on loans or other obligations to finance certain capital expenditures by AMTRAK.

The House amendment also amended section 602(d) of existing law to increase from $200 to $250 million the limit on the total unpaid principal amount of guaranteed obligations or loans which may be outstanding at any one time under this section.

The House amendment also added a new subsection (g) to such section 602 prohibiting the making of a guarantee with respect to any obligation or loan if the income therefrom is not included in gross income for Federal income tax purposes.

Conference substitute

The Conference substitute follows the Senate bill in increasing the loan guarantee authority from $200 million to $500 million. It follows the House amendment in requiring the approval of the Secretary of the Treasury of any guarantee issued under existing law. The conference substitute also includes the provision referred to above under both the Senate bill and House amendment prohibiting any guarantee if the nature of the instrument guaranteed is such that income therefrom is not includable in gross income for Federal income tax purposes

ADEQUACY OF SERVICE

Senate bill

The Senate bill amended section 801 of existing law to direct the Commission to promulgate, and when appropriate to revise, such regulations as it deemed necessary to provide adequate service, equipment, tracks, and other facilities for rail passenger service. It also provided for assessment of a civil penalty of $5,000 for each violation and permitted the Commission to compromise any penalty so assessed. In case of a failure to pay an assessed penalty, the Commission was authorized to seek recovery through its own attorneys or in cooperation with the Attorney General.

House amendment

The House amendment also amended section 801 of existing law to authorize the Interstate Commerce Commission to issue necessary regulations to assure that the quality of service and accommodations on trains and other facilities used in intercity rail passenger service is adequate, taking into account applicable safety regulations. The Commission was specifically prohibited from prescribing regulations applicable to AMTRAK relating to the scheduling or frequency of service, or the number or type of cars in a train, or that otherwise conflict with service characteristics established for the basic system by the Secretary of Transportation. It also provided for a civil penalty of not more than $500 for each violation of a regulation issued by the Commission under this section, and provides that each day a violation continued would constitute a separate offense.

Conference substitute

The conference substitute rewrites section 801 of existing law to clarify the jurisdiction of the Department of Transportation and the Interstate Commerce Commission over safety related and service related issues. First, this provision resolves a possible legislative inconsistency which results from the fact that section 801 of existing law, as presently worded, authorizes the ICC to "prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service". The Federal Railroad Safety Act of 1970, enacted only two weeks prior to the Rail Passenger Service Act, defined the Secretary of Transportation's jurisdiction over railroad safety to include "all areas of railroad safety". It is the intent of the committee of conference to make clear that the Secretary's jurisdiction over railroad safety is exclusive. The ICC, in prescribing its own regulations with respect to the adequacy of service, should take account of safety regulations prescribed by the Secretary of Transportation.

The conference substitute directs the Commission to promulgate, and when appropriate to revise, such regulations as it considers necessary to provide adequate service, equipment, tracks, and other facilities for rail passenger service. The intent of this provision is to help foster high quality rail passenger service. It is anticipated, for instance, that in appropriate situations this would enable the Commission to promulgate rules and regulations requiring tracks to be upgraded beyond the standard they were in when AMTRAK commenced operations in 1971. Presently existing contractual relationships between AMTRAK and the operating railroads typically do not permit renegotiation over any issues except compensation. Unfortunately, this means AMTRAK is, in many instances, restricted in its attempts to upgrade the quality of service being delivered to the public even though it may be required to increase its payments for such service. The only presently existing alternative is for AMTRAK to operate directly all aspects of rail passenger operations, which could be even more expensive. Another simultaneously existing barrier to high quality rail transportation has been the failure of Congress to charge directly any regulatory body with the responsibility for seeing to it that the various requisite elements of high quality rail passenger service are present. This provision is designed to give the Commission this responsibility, and the committee of conference expects immediate action from the Commission in this regard.

The Corporation may contract with railroads or with regional transportation agencies for the improvement of service, equipment, tracks, and other facilities necessary to at least meet such regulations promulgated by the Commission. In the event of a failure to agree, the Commission shall by rule establish procedures for allocating between the Corporation and a railroad any costs required to be incurred to at least meet the regulations establishing adequate service, equipment, tracks, and other facilities.

The conference substitute follows the House amendment in providing that any person who violates rules or regulations issued by the Commission shall be subject to a civil penalty of not to exceed $500 for each day of violation.

SIMULTANEOUS SUBMISSION OF LEGISLATIVE RECOMMENDATIONS, PROPOSED TESTIMONY, OR COMMENTS ON LEGISLATION

Like both the Senate bill and the House amendment, the conference substitute contains a provision requiring AMTRAK to submit simultaneously to the Congress any legislative recommendation, proposed testi-

mony, or comments on legislation which it submits to the President, the Department of Transportation, or the Office of Management and Budget. There is also a prohibition against any officer or agency of the United States requiring AMTRAK to submit such information prior to submission to Congress. The committee of conference does not intend this provision to prevent any member of the AMTRAK Board of Directors who is an officer of the United States from receiving such information as a Board member prior to its simultaneous submission to Congress and the executive branch.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
BROCK ADAMS,
BERTRAM L. PODELL,
RALPH H. METCALFE,
JAMES HARVEY,
DAN KUYKENDALL,
J. SKUBITZ,
DICK SHOUP,
Managers on the Part of the House.

WARREN MAGNUSON,
VANCE HARTKE,
ADLAI STEVENSON,
M. W. COOK,
J. G. BEALL,
Managers on the Part of the Senate.

CESSATION OF HOSTILITIES IN THE MIDDLE EAST

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

Mr. WHALEN. Mr. Speaker, I have joined Congressman BENJAMIN GILMAN of New York in sponsoring House Concurrent Resolution 343. This measure, which is similar to that passed by the Senate earlier this week, expresses Congressional support for the President's efforts, through diplomatic channels and through the United Nations, to bring about an immediate cessation of hostilities in the Middle East. It also calls for a return to the borders as they existed prior to the present fighting and for an intensified effort by world powers and the nations of the Middle East to negotiate a lasting peace.

Mr. Speaker, world peace is seriously threatened as a result of the premeditated attack on Israel by Egypt and Syria last Saturday. I am shocked by this tragic outburst of violence and aggression. This belligerence is made even more deplorable by the fact that it began on the most solemn Jewish holy day of Yom Kippur.

As the New York Times noted in a recent editorial, this action pushes "any political resolution of the 25-year confrontation ever deeper into a troubled future." Thus, this flagrant violation of the Middle East ceasefire must be halted immediately. The peace there, so brazenly broken, must be restored, then every possible effort must be made to bring about face-to-face negotiations between Israel and the Arab States. To that end, I urge the President and the Secretary of State to use the tools of U.S. diplomacy.

STATE DEPARTMENT MUST PROVIDE BETTER BRIEFING FOR CONGRESSMEN

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

Mr. HUBER. Mr. Speaker, I had the misfortune of attending the briefing this morning by the State Department on what is going on in the Middle East. I noticed a great number of our fellow Congressmen walk out in the midst of that briefing and I do not blame them. I thought the so-called briefing was the greatest waste of 1 hour's time that I have ever seen.

I strongly resented the arrogance and contempt of the Assistant Secretary for Near Eastern and South Asian affairs who refused to treat many of the questions with due courtesy. I am not a senior, I am a freshman here, and I am amazed at some of our senior Members who do not rise to object to that kind of treatment.

I have 500,000 people in my district who expect me to do a job for them. I think I am entitled to an intelligent briefing. I have to agree with the Congressman who observed that we learned more from yesterday's newspapers than we learned this morning from the State Department briefing.

I intend to circulate a "Dear Colleague" letter and suggest that we write to the President and the Secretary of State telling them to send somebody who will treat us with courtesy and keep us posted so we can properly represent our districts.

APPOINTMENT OF CONFEREES ON H.R. 3180, CLARIFYING FRANKING PRIVILEGES BY MEMBERS OF CONGRESS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3180) to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. DULSKI, HENDERSON, UDALL, CHARLES H. WILSON of California, GROSS, DERWINSKI, and JOHNSON of Pennsylvania.

PROVIDING FOR PRINTING OF ADDITIONAL COPIES OF OVERSIGHT HEARINGS ENTITLED "VOCATIONAL REHABILITATION SERVICES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–557) on the resolution (H. Res. 568) providing for printing of additional copies of oversight hearings entitled "Vocational Rehabilitation Services, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 568

Resolved, That there shall be printed for the use of the Committee on Education and Labor, House of Representatives, two thousand additional copies of the Oversight Hearings before the Select Subcommittee on Education on August 3, 1973, entitled "Vocational Rehabilitation Services".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–578) on the concurrent resolution (H. Con. Res. 184) to print as a House document the Constitution of the United States, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 184

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed as a House document the Constitution of the United States, as amended through July 5, 1971, with an analytical index and ancillaries regarding proposed amendments, prepared by Representative Peter W. Rodino, Junior, of New Jersey, to be bound with a paperback cover of the style and design used in printing House Document Numbered 92–157 of the Ninety-second Congress, and that two hundred and forty-one thousand additional copies be printed, of which twenty thousand shall be for the use of the House Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

With the following committee amendment:

Page 1, line 9, delete "two hundred and forty" and insert in lieu thereof "two hundred and forty-one".

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF HEARINGS ENTITLED "U.S. INTEREST IN AND POLICY TOWARD THE PERSIAN GULF"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–579) on the concurrent resolution (H. Con. Res. 275) to provide for the printing of "U.S. Interest in and Policy Toward the Persian Gulf," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 275

Resolved by the House of Representatives (the Senate concurring), That one thousand additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs of the House of Representatives, Ninety-second Congress, second session, entitled "U.S. Interest in and Policy Toward the Persian Gulf" be printed for the use of the Subcommittee on the Near East.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF "SOVIET ECONOMIC PROSPECTS FOR THE SEVENTIES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–580) on the concurrent resolution (H. Con. Res. 278) to provide for the printing of additional copies of the joint committee print "Soviet Economic Prospects for the Seventies," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 278

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Joint Economic Committee five thousand additional copies of its joint committee print of the Ninety-third Congress, first session, entitled "Soviet Economic Prospects for the Seventies".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS A HOUSE DOCUMENT "A HISTORY AND ACCOMPLISHMENTS OF THE PERMANENT SELECT COMMITTEE ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–581) on the concurrent resolution (H. Con. Res. 301) to provide for the printing and as a House document of "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 301

Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations and photographs as a House document and suitably bound, under the direction of the Joint Committee on Printing, "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives of the United States", together with appendixes containing various tables, charts, and so forth, which were prepared at the instance and direction of the Honorable Joe L. Evins of Tennessee, chairman, together with such additional explanatory matter as the Joint Committee may deem pertinent.

SEC. 2. There shall be printed and suitably bound as directed by the Joint Committee, ten thousand copies of such document of which five hundred shall be appropriately bound in hard back covers bearing the title of the document in gold leaf lettering on the front covers as well as on the back strips, all for the use of the permanent Select Committee on Small Business of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING CORRECTED REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–582) on the concurrent resolution (H. Con. Res. 322) to provide for the reprinting and printing of the corrected Report of the Commission on the Bankruptcy Laws of the United States, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 322

Resolved by the House of Representatives (the Senate concurring), That House Document 93–137, part 1, Report of the Commission on the Bankruptcy Laws of the United States, be reprinted as corrected, and that part 2 be printed as corrected, and that one thousand additional copies of each part be printed for the use of the House Committee on the Judiciary.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PROGRAMS AND ACTIVITIES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. REES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8250) to authorize certain programs and activities of the government of the District of Columbia, and for other purposes, as amended, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 12, line 8, strike out "representational".

Page 12, line 17, strike out all after "cil" down to and including "list."." in line 20 and insert: "in not less than two major daily newspapers published in the District."."

Page 14, line 9, strike out "such purposes" and insert: "appropriate purposes related to their official capacity".

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what is meant by this language:

SEC. 24. The President of the Federal City College, the President of the Washington Technical Institute, the President of the District of Columbia Teachers College, and the Superintendent of Schools are hereby authorized to utilize moneys appropriated for the purposes of this section for such expenses as they may respectively deem necessary to conduct such official ceremonial, representational, and graduation activities as are normally associated with the programs of educational institutions.

What is meant by "school ceremonial expenses"?

Mr. REES. I would suspect that a school ceremonial expense might be a graduation. It might be a special assembly, for example, on Veterans Day or some other type of holiday.

Section 24, as we see it, was the section which was passed by the House. The only amendment made by the Senate was to strike out "representational." I agree on the amendment, because I really do not believe anyone knew what the word "representational" would mean.

Now the language says, "such official ceremonial and graduation activities." The ceremonial activities would be other than graduation activities. It might be special assemblies. It might be a reception for a speaker who speaks on campus. The funds are severely restricted in this bill.

Mr. GROSS. Does the Federal City College furnish as a part of its graduation exercises what the high schools of the District of Columbia sometimes do, and that is to send a planeload of high school students to Jamaica or to the Bahamas or to some other place, and pay the hotel bill at the Hilton or whatever it is where they are celebrating graduation?

Mr. REES. With the restriction on the money for this section, I doubt if they could send a planeload to Friendship Airport.

Mr. GROSS. Is there any prohibition against using the funds for that purpose? It seems to be in vogue and it seems to be fashionable in the District of Columbia to send high school graduates to distant points, as I say, where they may leave hotel bills unpaid or leave bills unpaid for chartering planes. I do not know who it is that in the end makes up the deficit.

Mr. REES. I will give the totals. The president of Federal City College would be authorized $4,500, Washington Technical Institute $3,000, District of Columbia Teachers College $1,000, and the Superintendent of Schools $1,500. That is all the money that goes for ceremonial exercises and graduations. I believe it is very obvious no one is going to be running planeloads of people around or picking up tabs with these funds.

Mr. GROSS. What is the necessity for the next Senate amendment, that provides for the publication of delinquent tax lists in both major Washington daily newspapers? Why is not one newspaper of general circulation sufficient for the publication of these lists?

Mr. REES. We discussed that informally with the Senate members of the District of Columbia Committee. They felt since there were only two major papers, since one was a morning paper and one an afternoon paper, so that they could reach as many people as possible we should print the delinquent tax lists in both papers. Many people take only one paper in Washington. Since there are only two papers now existing as daily papers, they felt, since the delinquent tax lists were not that great, it would be easier to do it this way.

Mr. GROSS. Which newspaper now gets this profitable printing business?

Mr. REES. I am not sure. It does not say in this information.

Mr. GROSS. This will be a subsidy for both papers. Evidently one paper has been serving the public purpose up to

this point, but this will get both of them on the Federal dole.

Mr. REES. Again, let me tell the gentleman what the law said. This is what we changed in the bill. We eliminated the requirement that the city must advertise in New York, Philadelphia and Baltimore papers. What we did, again, on this authorization in the committee, was to limit it just to papers in the District of Columbia.

Mr. GROSS. As to the third amendment, it provides with respect to the mayor-commissioner, the chairman of the District of Columbia Council, the Superintendent of Schools, the president of Federal City College, the president of the District of Columbia Teachers College, a limitation on spending confidential funds.

In the first place, what are "confidential funds" that go to the Mayor and the President of the Federal City College, for instance? What is meant by "appropriate purposes" and "official capacity"?

Mr. REES. Mr. Speaker, again section 26 was approved by this House when the bill went through in June, and the purpose of the Senate amendment was to further limit and to say very specifically that the funds can be used only for appropriate purposes related to their official capacity.

So this is a tightening up of the House language. Now, under the appropriations to the District of Columbia there is $9,000, which is expected for official activities, and since they are of a confidential nature, they do not require a detailed voucher.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this:

Why should the President of the Federal City College of the District of Columbia have any confidential funds?

Mr. REES. Mr. Speaker, it is felt that at times there might be special occasions when they would spend money, and that money was not specifically appropriated in any appropriation bill.

Again, for the President of the District of Columbia Teachers College, the authorization is for $1,000. For the chairman of the District of Columbia Council, it is $2,500 per year.

Mr. GROSS. I do not care whether it is $10 or——

Mr. REES. Mr. Speaker, if the gentleman will yield, this is a prescribed amount. What we are discussing in the Senate amendments to the House bill is this. The House bill was approved by this body, and the purpose of the Senate amendments in section 26 is to further restrict the ability to use these funds.

Mr. GROSS. Mr. Speaker, evidently I missed some of the fine print in the bill when it passed the House.

I do not care whether it is $10 or a thousand dollars. It has not been explained here today for what reason the President of the Federal City College should be given confidential funds.

These are confidential funds. These are not representation allowances. They are confidential funds, and I do not understand it at all.

Mr. REES. Well, the reason for the language of the Senate report is this: These funds are used for a variety of reasons related to their official capacity, including receptions, reception of guests, host meetings, dues to professional organizations, and emergency items not budgeted for.

Mr. GROSS. That, then, apparently is in the nature of what is commonly called "representation allowances"—booze and food—what the gentleman from New York (Mr. ROONEY), calls "tools of the trade."

Mr. REES. Mr. Speaker, as I say it is for host meetings, dues for professional organizations, et cetera.

Mr. GROSS. And the confidentiality means they do not have to tell anybody how they spend the money or where or when?

Mr. REES. Yes. I suspect that in every State government or city government they do have provision for small expenditures for this purpose.

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

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 542, WAR POWERS RESOLUTION OF 1973

Mr. ZABLOCKI. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the joint resolution.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. ZABLOCKI. 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. 519]

Andrews, N.C.	Brotzman	Cochran
Archer	Brown, Calif.	Conyers
Ashbrook	Broyhill, N.C.	Crane
Ashley	Buchanan	Dellums
Aspin	Burton	Donohue
Badillo	Carey, N.Y.	Esch
Baker	Cederberg	Evins, Tenn.
Bell	Chisholm	Frey
Biaggi	Clark	Froehlich
Bolling	Clawson, Del	Fuqua
Brasco	Clay	Goldwater
Green, Oreg.	Mallary	Riegle
Gubser	Mathias, Calif.	Rooney, N.Y.
Hammer-schmidt	Mathis, Ga.	Sandman
Hanna	Matsunaga	Satterfield
Hawkins	Melcher	Shoup
Hays	Metcalfe	Shriver
Hébert	Mills, Ark.	Snyder
Howard	Mitchell, Md.	Steed
Ichord	Mosher	Stokes
Jones, Okla.	Murphy, N.Y.	Sullivan
Lent	Nedzi	Ware
McClory	O'Neill	Wiggins
McCloskey	Pickle	Winn
McCormack	Podell	Wyatt
McKay	Powell, Ohio	Yatron
Mailliard	Quillen	Young, Alaska
	Reid	Young, S.C.

The SPEAKER. On this rollcall 351 Members have recorded their presence by electronic device, a quorum.

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

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 542, WAR POWERS RESOLUTION OF 1973

The SPEAKER. The Clerk will read the statement.

(For conference report and statement see proceedings of the House of October 4, 1973.)

Mr. ZABLOCKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

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

There was no objection.

GENERAL LEAVE

Mr. ZABLOCKI. M.. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on House Joint Resolution 542.

The SPEAKER. Is there objection?

There was no objection.

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

Mr. Speaker, today the House of Representatives is being afforded a historic opportunity to reassert its powers and prerogatives under the Constitution in the area of warmaking.

The conference agreement before us today is, in my judgment, a perfected and improved version of war powers legislation.

Since last July when both Houses passed war powers legislation, Senate and House conferees have met often in an effort—not just to resolve differences—but to do so in a way which would combine the best of both proposals.

We have been successful in that effort, and the results are before the House today.

Among the several differences in the House and Senate, the most important—and the one on which most of discussion and negotiation occurred—related to the question of Presidential authority.

The Senate bill defined the President's authority in warmaking and sought to mandate the circumstances under which he could act. The House resolution did not attempt such a definition or mandate, on the grounds that to do so was

constitutionally questionable and from a practical standpoint unwise.

The definition of Presidential war powers in the Senate bill had justifiably been criticized as presenting the President with an excuse for preemptive war—after which he could always claim congressional sanction. The House-passed measure placed the responsibility for his actions squarely on the President.

The conference version reflects the House position on this issue. The provisions of the conference version are triggered by Presidential action committing American troops to combat.

In every such case the President is directed by the legislation to consult with Congress first when it is possible to do so. Further, he is required to submit a detailed report of his actions within 48 hours after having introduced U.S. forces to combat or to danger of combat.

Those features all originated with the House-passed joint resolution.

Both the House and Senate measures required that, without specific congressional authorization, any engagement of U.S. Armed Forces in combat by the President without congressional sanction must terminate at the end of a specific time period.

In the Senate bill the time period was 30 days; in the House-passed resolution, 120 days. The compromise reached was 60 days. Moreover, the 60 days can be extended for up to 30 additional days if the President certifies in writing to the Congress that unavoidable military necessity respecting the safety of the troops required their continued use in hostilities during their disengagement.

Mr. Speaker, the House conferees believe that 60 days is ample time to permit the President to act in a national emergency under his powers as Commander in Chief. It also gives Congress ample time to consider the situation carefully and thoughtfully before determining whether to support, or to terminate, the President's action.

Moreover, the conference version retains the House-passed provision permitting Congress to terminate a Presidential action sooner than 60 days by passage of a concurrent resolution which would be immune from veto.

The conference agreement also retains modified versions of congressional priority provisions which were in the House-passed bill. These provisions would facilitate consideration of legislation and also insure against a filibuster in the other body or other delays which might require the President to disengage American troops abroad.

The conference agreement retains the important feature of House Joint Resolution 542 that legislation approving the President's action can be introduced by a single Member of either House and that once introduced it must be considered on a privileged basis.

Thus, there is virtually no danger that a future President would be forced to disengage American troops from combat because Congress failed to act, as some opponents of the legislation believed.

The Congress will act. Procedures have been perfected for giving priority consideration to bills approving or disapproving the President's action. Possibilities of a House-Senate deadlock in conference have been minimized by language providing for that contingency.

The legislation also has been strengthened by the addition of definitions of terms which were in both House and Senate measures, but which were defined precisely only in the Senate bill. Those terms are "specific statutory authorization" and "introduction of U.S. Armed Forces."

In resolving differences with the Senate bill, only two principal provisions of House Joint Resolution 542 were dropped.

The House joint resolution provided that certain peacetime deployments of U.S. Armed Forces must be terminated at the end of the specified time period unless Congress specifically approved.

Senate conferees objected to including peacetime deployment provisions in a war powers measure, because of the additional constitutional and practical issues involved.

The conference agreement eliminates the mandatory termination provisions on peacetime deployments but continues to require that the President report within 48 hours to Congress on deployments of U.S. Armed Forces under circumstances specified in the legislation.

The agreement also drops section 7 of House Joint Resolution 542 which provided a mechanism to prevent the time period from expiring while Congress was in adjournment. Senate conferees objected that the retention of the section would unduly extend the time during which the President would be allowed to take unilateral action.

The House conferees agreed, after language had been added to section 5 of the conference report permitting 30 percent of each body to petition the Speaker and President pro tempore, respectively, to request that the President call the Congress into session.

In practical situations, a President who has committed U.S. Armed Forces into hostilities without prior approval of the Congress, a President who is faced with a terminal point 60 days hence, would certainly call Congress into session to consider his reasons for the commitment and to seek approval for his actions.

To those Members who voted for House Joint Resolution 542 when it passed last July, I can say without fear of contradiction that the conference report before this body today is in every important aspect the proposal you supported.

To those Members who voted against House Joint Resolution 542, I urge a careful reading of the conference report and the joint statement of managers. Objections to the House joint resolution which were expressed during floor consideration last summer have, in many instances, been met in the compromise worked out by the conference.

It is my belief that the conference report on war powers combines the best in both the House and Senate proposals, and deserves strong approval in both bodies. The conference report received such approval in the other body by a vote of 75 ayes, 20 nays.

I also believe that the measure deserves the President's signature as a legitimate expression by Congress of its rightful role under the Constitution, and of its desire to insure that the collective judgment of the Congress and President will apply to the introduction of American troops into combat.

The measure is not aimed at any President or criticism of past Presidential actions but rather an effort by the Congress to insure that it is permitted to exercise to the fullest its constitutional responsibilities over questions of peace and war.

Nor does it encroach upon the legitimate authority of the President as Commander in Chief.

In his recent state of the Union message, the President called for "national leadership that recognizes that we must maintain in this country a balance of power between the legislative and the judicial and the executive branches of government."

If the President truly believes in such a balance, if he does not seek paramountcy, then he must see this measure as a means of reestablishing a productive, working relationship with the Congress—and he should sign it.

For us in the Congress, the vote today provides a chance for us to demonstrate to the American public that the House of Representatives is capable of taking bold initiatives to restore its rightful role in the area of war making.

Mr. Speaker, before closing I want to express my deep gratitude to the distinguished chairman of the Committee on Foreign Affairs, Chairman MORGAN, for his leadership in the conference. Thanks must go, too, to the House conferees who worked long and diligently, and to the Senate conferees whose good faith effort at attempting to reach a compromise has made this report possible.

I urge an overwhelming vote in support of the conference report.

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

Mr. ZABLOCKI. I am delighted to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Speaker, I want to join with our distinguished colleague from Wisconsin in the tribute he paid to the chairman, Dr. MORGAN, and others who served on the conference committee, for their work in bringing about this legislation which, in my judgment, is truly historic legislation.

Mr. Speaker, I rise in support of the war powers conference report and to urge its adoption.

This is truly historic legislation. In the years ahead it will serve as a benchmark in the effort to reaffirm Congress traditional role of partnership in the formulation and execution of warmaking responsibilities.

I stress partnership because there are those who claim that this proposal restricts the President from fulfilling his constitutional war power responsibilities.

These fears are unfounded. Our con-

ferees took special care to insure that the ability of the President to respond swiftly and effectively in times of national emergency was not diluted. For those who doubt this a reading of the legislation will confirm that this measure does not intend in any way, shape or form to interfere with the Executive's constitutional authority.

It is my firm belief that if this bill is signed into law the shared warmaking powers of the President and the Congress will be more clearly defined than at any time in our history since the inception of our Constitution.

Confronted with an ill-defined "twilight zone" of shared warmaking duties delegated to both branches of government, we have sought to illuminate them with a carefully written set of alternatives that wed the lessons of the past with the best perceptions of future contingencies.

Congress has for too long defaulted to the Executive to carry out warmaking powers. The American people and the best interests of our country demand that the Congress reassert itself.

Granted in this nuclear age of modern warfare, it is frequently necessary for the President to act unilaterally in the best interests of the Nation. To the degree that this is necessary, this authority will continue. However, in nonemergency situations and in all engagements lasting more than 60 days, consultation and approval from Congress will be mandatory.

Mr. Speaker, the war powers bill is a fair and practical compromise which assures efficient, unencumbered delegation of warmaking powers while mandating maximum cooperation between both branches. We need only look to the divided opposition to this bill, one group claiming it shackles the President while another says it gives him expanded powers, to fully comprehend its moderation and consensus support.

I hope that the House passes this report and that the President, understanding the clear intention of both Houses, will, in turn, sign it into law.

It is after all long past time when Congress should shed the "see no evil, hear no evil" image it created for itself with the passage of the Gulf of Tonkin resolution. In the second half of the 20th century, Congress must recover, indeed it must accept, the constitutional duties it was entrusted with 200 years ago. This is our common goal and this legislation is the vehicle to achieve it.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from Michigan (Mr. BROOMFIELD) for his remarks.

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

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

Mr. ECKHARDT. Mr. Speaker, I should like to ask the gentleman the question which I believe I raised the last time with respect to the original act before us.

In the version of the House and also in the bill that is brought here, as I understand it, the legislation purports by concurrent resolution to withdraw certain authority to provide that the President commit troops. Now, if we can do this by concurrent resolution, are we not assuming that the action in which the President has been engaged is an action which could not have been performed but for specific grant by Congress of authority under this act?

Mr. ZABLOCKI. Mr. Speaker, I would like to respond to the gentleman.

The position of the conferees is that if the President assumes authority which he does not have, the Congress, therefore, recognizes that he has assumed that authority. Thus, the use of U.S. Armed Forces for a particular period by the executive branch can be terminated by a concurrent resolution of this body. That is constitutional. This is the position the conferees have taken.

It is an assumption of authority on the part of the President to commit troops, and if he does not have that authority we can indeed terminate the commitment of troops by concurrent resolution. But if he does have that authority from the Constitution, we restrict the period of time he may carry out that commitment without congressional concurrence.

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

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

Mr. BINGHAM. Mr. Speaker, on that point, if I may, I would like to ask a question.

First, I wish to say that I, too, would like to join in complimenting the gentleman from Wisconsin on the work he has done on this legislation and in the conference committee. The conference committee has done a fine job, and I hope its report will be approved.

On the point raised by the gentleman from Texas (Mr. ECKHARDT), it seems to me that the contrary would be the case. If, as the Senate resolution originally contemplated, a joint resolution was required to terminate an action by the President, then there might be an implication that the President was acting with authority.

The conference report and the House bill provided that any action by the President could be terminated by concurrent resolution. The implication of that is, quite clearly, that the President was acting without authority.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield further to me?

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

Mr. ECKHARDT. Mr. Speaker, the point I am making is simply this:

If Congress may withdraw authority or may negative the Presidential authority by virtue of concurrent resolution, such action implies that the President did not have authority in the beginning and Congress is merely asserting its right to negative Presidential authority in that area.

If that is the case, one must infer, it seems to me, that the President is acting within an area pre-empted for Congress by the Constitution except for the passage of this resolution.

Now, as I understood the gentleman to answer me, he does not intend to give the President additional authority, but the gentleman concedes that the President may act beyond his authority, and we only include this section as a means by which Congress can reaffirm the fact that the Presidential action was wrongful in the first place.

Mr. ZABLOCKI. Mr. Speaker, that is exactly right.

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

Mr. ZABLOCKI. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, my first comment will be addressed to the same topic which was raised by the distinguished gentleman from Texas (Mr. ECKHARDT).

I submit to the distinguished gentleman in the well that the only way in which you can make a concurrent resolution which is not presented to the President binding in law as an act of this body would be by first transferring some power to the Executive and attaching the concurrent resolution as a condition subsequent by which it could be regained.

Unless we transfer the power, which you say you do not do, then your concurrent resolution cannot be effective to bind anyone.

Mr. ZABLOCKI. I respectfully submit as a reply to the distinguished gentleman from Texas that, indeed, when the President assumes authority that is not clearly in the Constitution this legislation permits him for a limited period of time to proceed with the introduction of troops.

I would like to call on the gentleman from Illinois (Mr. FINDLEY), who is the particular sponsor of this to amplify on that particular formula.

Mr. FINDLEY. I thank the gentleman for yielding.

I think it is a well-established principle of law and constitutional procedure that the concurrence of the Congress is required in order to settle the legality of any question of public policy, whether it relates to the introduction of military forces or otherwise.

When the President uses his power as distinguished from authority to introduce military forces beyond the territory of the United States, then there is the question of legality hanging over it until the Congress passes judgment.

So therefore it is entirely reasonable for the Congress by the concurrent resolution approach to pass judgment subsequent to such an action.

Mr. ZABLOCKI. I thank the gentleman for his observation.

How much time have I consumed, Mr. Speaker, because I do have others who have asked for time, and I do not want to preempt them.

The SPEAKER. The gentleman from Wisconsin has consumed 20 minutes.

Mr. DENNIS. Will the gentleman yield for a question on a different subject?

Mr. ZABLOCKI. I am afraid I will have to yield time to others as I have promised it. If time permits, I will be very happy to yield to the gentleman again.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I rise in reluctant opposition to this conference report.

It is reluctant because I recognize a need for restraint of the Executive power

to commit us to war and respect the work done by the distinguished chairman and members of his committee, but my opposition is strong because I feel that this is such an important matter that if you do not think the bill is a good bill as it stands, you not only have a right but a positive duty to rise in opposition and point out the objections. One of them has already been pointed out in the colloquy which has just taken place.

This bill necessarily delegates a portion of our warmaking power to the Executive. That cannot be escaped, because the only way in which a concurrent resolution can possibly have the binding force and effect of law, which it does under this measure, in order to terminate the Executive action, is by attaching such a resolution as a condition subsequent to a grant of power. Otherwise you have to legislate by going through the legislative process, and that requires a presentation to the President and an opportunity to exercise the veto power. Under the Constitution there is no other way to do it.

In this bill you are trying to say that you can legislate without going through the legislative process and that you can take power back by a condition subsequent without granting the power in the first place.

The second thing that is wrong with this legislation—and this is the most important thing—is that it retains the vice of the original bill, which is that policy can be set by inaction on the part of the Congress.

When we declare war, when we go from peace to war, we vote it. When we are in a de facto situation of hostilities by reason of Executive action, recognized in this bill, if we want to go back to peace we ought to vote that. It should not be possible to determine that kind of a question simply by sitting here and doing nothing, and that is possible under this conference report.

I agree that there are safeguards in the bill which attempt to circumvent that problem, but every single one of them is subject to the provision "unless such House shall otherwise determine by the yeas and nays." There must be a vote on a resolution if one is put in, and, of course, there does not have to be one put in; somebody has got to put one in, and he has to do it in the first 30 days, too, because it has to be done 30 days before the 60 days expire.

But, granted there is a resolution to vote on, granted that it has to be brought to a vote under these provisions, that is all subject to the provision "unless such House shall otherwise determine by the yeas and nays," which means that we can have this important policy of whether the troops shoud be pulled out determined on a motion to lay on the table, on a motion to postpone, or on a motion to recommit. Why in the world should we not determine an important thing like this by asking the House, by insisting that the House, by requiring that the House vote up or down on the merits of the matter, and thus decide whether we want to go to war or peace? If we are going to make a policy determination, if we want the House to take back and to exercise its power, that is the way to do it.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, the gentleman from Indiana (Mr. DENNIS), I am sure, put his finger on two items of concern to some Members of this body as they ponder their vote on the conference report. They are not new elements in the bill. They were discussed at some length when House Joint Resolution 542 was before this body.

I think that the work of the conference committee should be some reassurance on both points.

First of all, concerning the policy question, with which the gentleman from Indiana (Mr. DENNIS) last dealt, I firmly believe myself that inaction by the Congress is a reasonable and traditional way for the Congress to thwart a Presidential effort to establish public policy. It should apply as well to public policy as in other fields. It happens every day and every hour. There is nothing unusual about inaction as a way to thwart Presidential wishes. But the conference report before this body does provide what amounts to an almost guarantee that whenever a President shall introduce military forces without specific authorization of the Congress, any Member in this body who has the will can introduce a resolution of support for the President's policy and be assured that it will be dealt with on an up-or-down vote at some stage within the period provided in the conference report. The only question of doubt of this guarantee would be in that very remote possibility that the Congress would be on a very extended recess, or will have adjourned sine die for a length of time more than 30 days.

Well, in these stormy times when the war clouds are gathering as never before, I would think it most unlikely that the Congress will adjourn for any lengthy period of time which would effectively thwart the will of one individual who might have the desire to support our President's war policy.

The gentleman from Indiana (Mr. DENNIS) said unless the Congress shall otherwise determine by the yeas and nays that this protection is provided. That is an up-or-down vote, because the yeas and nays will be ordered and each Member will be confronted with the up-or-down vote.

I think that the conference committee has done a superb job. It has retained all of the important elements of the war powers legislation as it emerged from the House. It has dealt with the items sought to be introduced by the Senate, and I think has dealt with them with great clarity and satisfaction.

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

Mr. FINDLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

In section 2(c) of the bill as proposed by the conference committee there is what purports to be a definition of the constitutional and inherent powers of the President to commit troops to combat. I feel that the definition given there is incomplete, but my question is: Do the provisions of section 4 with respect to reporting and of section 5 with respect to the 60-day termination date on executive action apply to the constitutional provisions of 2(c)?

Mr. FINDLEY. They do not flow from that. They flow from the introduction of armed forces and that only.

Mr. Speaker, as Commander in Chief of military forces the President has immense power. Decision of using this power rests with him alone. He can disregard and override the advice of all others in the executive branch, and for that matter the Congress itself. He can reach a decision quickly. He has vast resources for mobilizing public opinion behind his decision, whatever it may be. He can carry out a decision with dispatch.

This legislation does not diminish 1 ounce that vast power. The power is inherent in his position as Commander in Chief.

This legislation distinguishes between power and authority and deals only with aspects of Presidential authority.

It is possible, of course, that a President in the future, as some Presidents in the past, will use war powers irrespective of questions of authority. But in the past no legislation has existed establishing a relationship between the Congress and the President in the legal aspects of war powers. The framers of the Constitution gave great avenues to make war to both the Congress and the President, some of them parallel and others overlapping—leaving unclear how conflicts between the two will be resolved.

The legislation before us, then, is an historic first. It establishes a legal relationship between the President and the Congress in the exercise of war powers. It requires the President to provide prompt and periodic information to the Congress. It requires the President to consult with the Congress promptly and periodically.

It provides two new ways in which the legality of a Presidential use of military force can be settled.

In the absence of a war declaration or other specific authorizaton by Congress, a President's use of forces in hostilities or in hostile areas must terminate in not more than 60 days. Only Congress can extend this period, except for the possibility of one 30-day extension if the President deems that such is required for the safety of forces in the process of withdrawing.

It also lets a majority of both Houses by concurrent resolution to settle the question of legality—that is, to direct that hostilities be terminated.

Is this arrangement unwisely to the disadvantage of the President—or to the disadvantage of the public interest?

To the contrary. It is clearly to the advantage of the President and the public interest.

The public interest requires that the will of the Congress and the President be reconciled in any exercise of war powers. If the President sees fit to use military force without congressional approval, the

right of the Congress to pass judgment effectively must be recognized and preserved.

Of all the endeavors in which I have been involved in 13 years in this body, this legislation ranks at the very top in importance for current times and the future. Expansive terms are used commonly in private and public conversation, and there is especially on Capitol Hill a tendency to exaggerate the importance of an event.

The step which the House takes today, however, I think truly deserves to be called historic.

Several credits are richly deserved. Tribute must first go to Chairman ZABLOCKI and DANTE FASCELL, who were in the very front ranks of those formulating legislative proposals on war powers as long as 4 years ago. Their interest persisted through the long experience of hearings, advances and disappointments that have attended the lengthy process. Other Democrats on the Committee made special contributions, and here DON FRASER and JONATHAN BINGHAM were very constructive and effective.

The accomplishment was bipartisan. No one showed a more vital, persevering, and effective interest than PIERRE DU PONT, and in this he was joined by BILL BROOMFIELD and ED BIESTER.

When the votes were counted the bipartisan character was especially apparent. In the Foreign Affairs committee, 12 Republicans voted affirmative. Only four voted no and one present. Democrats voted affirmative, 22 to 2. On passage of the House bill, 72 Republicans and 172 Democrats voted affirmative.

In the conference committee, all Senate conferees signed the report, and among House managers all Democrats and two Republicans were affirmative. This means that of all conferees on this vital proposal, over which great and fundamental discussion and controversy has occurred, all conferees, except for two House Republicans agreed to the final product.

Unfortunately, the White House and State Department have indicated their objections to certain provisions of both the House and Senate versions. They may still object to the conference report. Their positions no doubt account for some of the opposition votes in the House and Senate.

Nevertheless the bipartisan character of this legislation is noteworthy and important. Indeed the guiding spirit for the legislation in the Senate—far more than anyone else—was a Republican, JACOB JAVITS of New York.

The legislation also reflects diligent work by many staff members. On the House side, the staff leadership originated when Jack Sullivan was counsel for the National Security Subcommittee, and his interest continued after a change in assignments put George Berdis in charge of subcommittee staff. Added to their effective work was that of the committee chief of staff, Marion Czarnecki. The close coordination between the staff and committee members was a splendid example of bipartisan work at its very best. And cooperating very helpfully was Everett Bierman, staff leader for the minority.

On the Senate side, the work of Peter Lakeland, member of Senate JAVITS' staff, was truly exceptional.

The SPEAKER. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, on July 18, when the House debated the war powers resolution, I offered an amendment requiring Congress to vote "yes" or "no" on the question of committing American Armed Forces to combat. As I stated at that time, such an important policy decision should not be made through congressional inaction. In a close vote, 200 to 211, my proposal was defeated.

Upon the rejection of my amendment, I was faced with the perennial legislative decision. Should I vote for a measure which, in that instance, lacked a provision which I believed desirable? I finally concluded that the merits of the war powers resolution outweighed what I considered to be its deficiencies. Two factors influenced my decision to support House Joint Resolution 542.

First, it is imperative, in light of our changing world, that there be prescribed procedures by which Congress can manifest its will when U.S. troops, without a declaration of war, are involved in hostilities. House Joint Resolution 542 accomplishes this objective.

Second, despite the absence of language specifically mandating congressional action, House Joint Resolution 542, as drafted, practically assures a vote when our servicemen are exposed to enemy action. For section 5 to become operative all that is required is the submission of a bill or resolution by only 1 of the 535 Members of the House and Senate. Thus, to a great extent, this certitude assuages my fear of congressional derogation of its war powers responsibilities.

These same two reasons compel my support of the war powers conference report which we are considering today. Indeed, the bill drafted by the conferees clearly represents an improvement over the House version. First, I believe it is more realistic to require the President to report to Congress within 48 rather than 72 hours when our Armed Forces are introduced into possible or actual hostilities. Second, the requirement that there be only 60 days during which U.S. involvement can continue without congressional authorization or a declaration of war should preclude tenuous military expeditions, the uncertain outcome of which makes an early termination unlikely. I also am pleased with that provision of the report which reduces an extension, in the face of congressional inaction, from 120 to 60 days.

Mr. Speaker, while I might have written the resolution somewhat differently, I urge the adoption of the report on House Joint Resolution 542.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, first, I would like to associate myself with the remarks of the chairman of the subcommittee, the gentleman from Wisconsin.

I, too, believe that the conferees have taken what was a very good product and turned it into a little better one. The provisions for blocking deadlocks among conferees and within the two bodies of the Congress have been strengthened. I believe the definition section has been improved.

In short, I find it a very good piece of legislation.

I would particularly say to those on the other side of the aisle who had some reservations about this bill, because they did not think it was good enough, they did not think that it went far enough in securing powers for the Congress, that surely this bill and the rules that it sets down are better than nothing at all. Nothing at all is what we have today.

I would hope that those Members who voted against the legislation the first time on that basis would consider voting for it this time, because even if it does not meet all our requirements, it is surely better than nothing.

Mr. Speaker, I would like to address myself to the comments made by the gentleman from Indiana concerning the use of the concurrent resolution to retain powers in the Congress.

I do not know where the gentleman feels that he is, but I think this is the legislature. I think that passing this bill is passing the kind of legislation that he feels is necessary in order to carve out an exception whereby we can stop action by the President if we feel necessary to do so by a concurrent resolution.

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

Mr. DU PONT. I yield to the gentleman from Indiana.

Mr. DENNIS. The gentleman and I had a colloquy on this subject before. I asked him if he felt that his concurrent resolution calling on the President to cease would have binding effect in law.

He said it would, and obviously it has got to if it amounts to anything.

The point I am making is that, if it does have that force and effect, the only way such a resolution, as distinct from an act or a joint resolution, can have that effect is if we attach it as a condition of a grant of the power; yet the gentleman says we are not granting the President more power.

Mr. DU PONT. I would disagree with the gentleman. I believe you can also attach it to a definition of power as well as a grant of power. Here for the first time we are trying to define the war powers of the President. It seems to me appropriate to do it in this fashion.

I might add to the gentleman, I am glad to see he finally agrees that in such a situation we do have the power to take back the President's authority by a concurrent resolution. I think that represents a step forward in his thinking.

Mr. DENNIS. If the gentleman will

yield further, what I said, to be accurate, was that, if there is any way we can make the concurrent resolution function, that is it.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Speaker, I rise in support of the conference report and the bill. I consider myself to have a personal commitment of long standing to my constituency to support a reasonable limitation on Presidential war powers.

I want to make it clear that this is no reflection on the undoubted expertise, judgment, or foreign policy of President Nixon.

The requirement applies to the office and not to any particular incumbent President.

I do not believe that any President ought to be able to commit U.S. Armed Forces to hostilities abroad for more than 2 months without the express approval of the people's representatives in the Congress. Essentially, this is all the present bill provides.

It has been suggested that an affirmative vote of disapproval ought to be required. I would observe that failure of the House to vote approval becomes the clearest responsibility of the Congress. Individual Members are always at liberty to specifically record themselves if they are so inclined.

Mr. Speaker, I strongly support the conference report and the bill as being in the best interests of the American people.

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

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

Mr. MILFORD. Mr. Speaker, there is not a Member in this House that wants to see the Congress reassert itself more than I. We must stand up and take control of those responsibilities that are outlined in our Constitution. Parenthetically, we must stand up responsibly. Most unfortunately, the resolution before us is unworkable. In fact, it is downright dangerous to this Nation.

Ladies and gentlemen, please stop a moment and think. In this Nation, we understand a democratic system. However, other nations do not. Tragically, there are a few nations that would cut our throat the moment they felt they could get away with it. If this resolution becomes law, you will have provided them with the opportunity to pull out their knives.

I totally agree with the intention of this resolution. Combat troops from the United States should never be committed to battle without the knowledge and approval of Congress.

But this resolution is unworkable because it does not provide a practical way for the President to communicate with the Congress. You must remember, we are dealing with war, not a public works project.

As every Member knows, there are few secrets in the U.S. Congress. It certainly is not practical, under the provisions of this resolution, for the President to come before the Congress and disclose highly classified combat plans and strategies. They would be in the newspaper before he could drive back to the White House.

You must take notice that administration has access to vast information-gathering resources that are not available to the Congress. We do not regularly receive CIA reports, classified embassy information, intelligence reports from the various armed services, and any number of other secret informational inputs.

The President is not going to reveal contents of these classified reports to the Congress unless he can be assured that the information will be protected. Without that classified data, Congress cannot make an intelligent decision about whether or not we should commit troops.

I contend that this was the main reason why the President would seldom confer with Congress during the Vietnam conflict. Nothing would prevent individual members from releasing whatever information they could get their hands on, without regard to its security classification.

I think most Members will agree that we shall never have another "declared" war. Modern-day weapons have totally ruled out ethics and rules of yesterday. If a country intends to attack another, they will not announce that fact in advance.

Today, wars are fought with sudden battles, wherein the element of surprise can be a decisive feature. Today's wars are complex, defying simple explanations and quick answers. Today's wars start in little countries where quick action can prevent a worldwide conflict.

In order to properly protect the United States, the President must have flexibility. Parenthetically, he must also be checked and monitored. That is the intention of this resolution. Unfortunately, as worded, the resolution would create 535 Commanders in Chief that would most likely run in 535 different directions.

I would urge you to vote against this resolution and send it back to committee. We desperately need to write a war powers resolution, but it must be written in a way that will not be detrimental to our country.

A proper resolution should provide a specific vehicle that the President can use in communicating with the Congress. My suggestion would be the creation of a "War Oversight Committee." This committee would be given the continuous duty of monitoring situations that could promote war.

Members of this committee would be strictly prohibited, by stiff criminal penalties, from revealing any classified information except through committee action. Members would withstand the same security clearances as those given to persons in command authority and sensitive administration offices.

By establishing a War Oversight Committee, we would provide a practical way for the President to communicate with the Congress. This same committee could provide oversight functions with regard to our various intelligence agencies.

There are many other undesirable features in this resolution. Since most of these have already been discussed by my colleagues, I will not repeat their arguments. I would only urge each of you to reject this conference report.

As presently worded, the war powers resolution would tie the President's hands and give our enemies a tremendous advantage.

Mr. KEMP. Mr. Speaker, I have great respect and admiration for the gentleman from Wisconsin and chairman of the subcommittee, who has done so much to bring this issue to the attention of, not just the Congress, but of the country. I share many of his goals for American foreign policy, but I respectfully disagree with him on this bill.

Mr. Speaker, we have before us a real-life situation within which we are dealing. I would like to use the few minutes I have to engage the gentleman from Wisconsin in a short colloquy as to the meaning of section 2(c) of the conference report, which states:

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

I want to ask the distinguished gentleman what that would do to an alert of the 6th Fleet in the Mediterranean in terms of the crisis now going on in the Middle East?

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

Mr. KEMP. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, the President could, as he has, direct the 6th Fleet in the Mediterranean. The provisions of subsection 2(c) would not affect that action. The President is in this instance acting as Commander in Chief deploying the Navy in international waters.

Mr. KEMP. As the committee has worded section 2(c), it seems to me it would materially affect that action because it is an "imminent hostility." They, the 6th Fleet, are American Armed Forces, and it seems to me section 2(c) would preclude the type of diplomacy that this Nation, this President and previous Presidents have used very successfully in the Mediterranean and the Middle East—to preclude wider wars, for instance, such as President Johnson used in 1967 during the Six Day War and President Nixon used in the Middle East during the Syrian invasion of Jordan. It was flexible diplomacy that helped prevent the possibility of wider warfare.

I would like to know at what point must the President come back to the Congress and perhaps exacerbate existing tensions by turning it over for debate here in the Congress.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield further?

Mr. KEMP. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, the President as Commander in Chief can deploy troops during peacetime. However, introduction of U.S. forces into combat would require a report to the Congress within 48 hours setting forth the reasons, the constitutional authority and estimated scope and duration of the hostilities or involvement.

Mr. KEMP. I thought that the wording in section 2(c) "danger of imminent hostilities" prevented him from activating the 6th Fleet.

Mr. ZABLOCKI. If the gentleman will yield, section 2(c) is a statement of the authority of the President as Commander in Chief, respecting the introduction of U.S. forces into hostilities pursuant to the three circumstances mentioned in the paragraph. The language in section 3 of the Senate version attempted to define the authority of the President.

Mr. KEMP. The legislation before us raises perhaps the most fundamental issue to confront Congress in this century.

CONTINENTAL CONGRESS EXERCISE OF WAR POWERS

The issue of war powers has been before the Nation since before George Washington was President. But beginning with Washington's proclamation of neutrality during hostilities between Great Britain and France—a proclamation made over the objections of Thomas Jefferson who argued that only the Congress could decide matters of war and peace—the President has traditionally held and used the power of making the initial decisions on matters of foreign policy and of determining the proper occasions on which to use the Armed Forces of the United States in furtherance of that policy.

Our Founding Fathers made many references to war powers, to the concept of defensive war, and to the preservation of the safety of the Nation. In Federalist Paper No. 23, Hamilton wrote:

> The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed.

From a thorough reading of Madison's journal on the Constitutional Convention and from a reading of the formal proceedings of that Convention, it is clear to me that the architects of the Federal Constitution intended for the President to use extraordinary powers, when necessary, for the protection and safety of our Republic.

The Founding Fathers themselves had just concluded the War for American Independence in which the war power of the Continental Congress had embarrassed General Washington and greatly hindered him in the conduct of military operations in the field. Washington had received his commission as general and Commander in Chief of the Continental Armies and was required by that commission to observe "punctually" any such orders and directions he should receive from Congress, then acting with the customary powers of the Executive.

Washington succeeded in spite of Congress, rather than with its help.

Congress established the militia system for the Army; it proved virtually useless.

Congress ordered the ill-conceived defense of Manhattan Island, contradicting General Washington's orders and fouling his strategies.

Congress insisted on the continuation of the invasion of Canada; it was a near disaster.

Congress, by once again countermanding General Washington's orders, caused the tragedy of Valley Forge. As the prominent historian, Frothingham, has written:

> The amount of harm, caused by the unwise military control usurped by Congress, can only be measured in terms of the appalling sufferings of the American soldiers at Valley Forge, which Washington was powerless to prevent.

THE FRAMERS' INTENT

It was, in light of these realities, no surprise that the Founding Fathers were appalled by the difficulties Washington had encountered because of the Continental Congress. Thus, the Framers of the Constitution deliberately intended to prevent further national weakness and division by infusing unity into the new Republic through the institution of the Presidency. As Hamilton stated in Federalist Paper No. 73:

> Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority.

By designating the President to be Commander in Chief, wrote Charles Evans Hughes, our Founding Fathers planned to create "a Union which could fight with the strength of one people under one government intrusted with the common defense." He added:

> The prosecution of war demands in the highest degree the promptness, directness and unity of action in military operations which alone can proceed from the executive."

In Federalist Paper No. 38, Madison expressed the concern about congressional usurpation of powers when he wrote that the framers intentionally removed the direction of military forces from Congress, where it had been placed under the Articles of Confederation because it is "particularly dangerous to give the keys of the Treasury and the command of the army into the same hands." Since the President, rather than Congress, was made the Commander in Chief of the Armed Forces under the Constitution, this indicates clearly that the Congress cannot exercise control over the use of the Armed Forces except through the use of the appropriations process—the traditional power of the purse. This is legitimate and a proper assignment of a constitutional function. It matches the lessons of history, known firsthand by the framers.

THE EXERCISE OF WAR POWERS

Since the beginning of our Republic there have been 201 recorded foreign hostilities, yet only 5 of them were formally declared wars by the Congress. Moreover, Congress never once passed a law blocking or ordering a halt to any of the 196 Presidentially authorized actions.

In the book, "The War Powers of the President," which first formalized and structured the varying attitudes about war powers at the beginning of this century, William Whiting wrote:

> Congress may effectively control the military power by refusing to vote supplies, or to raise troops, and by impeachment of the President; but for the military movements and measures essential to overcome the enemy—for the general conduct of the war—the President is responsible to and controlled by no other department of government.

As if anticipating the legislation which we will soon vote upon, Whiting added that the Constitution "does not prescribe any territorial limits within the United States, to which his military operations shall be restricted."

Though the war powers question has been treated by the Supreme Court as a "political question" outside the competency of the judiciary, four members of the High Court did declare in a concurring opinion that—

> Congress cannot direct the conduct of (military) campaigns. . . .

The Court has also broadly stated that the Commander in Chief provision confers upon the President "such supreme and undivided command as would be necessary to the prosecution of a successful war."

Dr. John Pomeroy, dean of the University of New York Law School, emphatically rejected the idea that—

> The disposition and management of the land and naval forces would be in the hands of Congress. . . ." "The policy of the Constitution is very different.

The legislature may "furnish the requisite supplies of money and materials" and "authorize the raising of men" but "all direct management of warlike operations are as much beyond the jurisdiction of the legislature, as they are beyond that of any assemblage of private citizens." J. Pomeroy, An Introduction to the Constitutional Law of the United States 288, 289 (1870).

Prof. Clarence Berdahl, who published a comprehensive study on the Executive's war powers in 1921, squarely tackled this issue. He concluded:

> "Although there has been some contention that Congress, by virtue of its power to declare war and to provide for the support of the armed forces, is a superior body, and the President, as Commander-in-Chief, is 'but the Executive arm . . . in every detail and particular, subject to the commands of the lawmaking power,' practically all authorities agree that the President, as Commander-in-

Chief, occupies an entirely independent position, having powers that are exclusively his, subject to no restriction or control by either the legislative or judicial departments." C. Berdahl, War Powers of the Executive in the United States 116, 117 (1921).

Professor Willoughby, author of a famous multivolume study on constitutional law, agreed with this position. He wrote that the power of the President to commit troops outside the country "as a means of preserving or advancing the foreign interests of relations of the United States" is a "discretionary right constitutionally vested in him, and, therefore, not subject to congressional control." 3 W. Willoughby, The Constitutional Law of the United States 1567 (2d ed. 1929).

The weight of 180 years of legal writings are on the side of Presidential prerogatives in war powers. I have yet to hear an equally weighty set of precedents on behalf of congressional authority.

When the framers of our Constitution narrowed the authority of Congress by substituting "declare" for "make" in the declaration of war clause, they clearly understood that there had been and might continue to be many instances in which hostilities would occur with no declaration of war. In fact, Hamilton stated in Federalist Paper No. 25 that declarations of war were already in disuse even in the 18th century.

The history of our Nation shows that American Presidents have acted, independently of Congress, 195 times in response to foreign threats.

The Senator from Arizona (Mr. GOLDWATER) recently submitted excellent testimony, before the House Subcommittee on Asian and Pacific Affairs, concerning the question of war powers and I quote from his statement:

Thus, there is no question that when the Constitutional Convention narrowed the authority of Congress by substituting "declare" for "make" in the declaration of war clause, the Framers understood that there had been and might continue to be many instances in which hostilities would occur with no declaration. To argue that no military operations can begin without a declaration by Congress is to ignore the historical setting in which the Constitution was drafted, and, indeed, is to ignore the ensuing 184 years of life under that document.

It may come as a surprise to many Americans, but there have been over 200 foreign military hostilities in the history of our Republic and only five of them were declared. These incidents show a consistent practice by which American Presidents have responded to foreign threats with whatever force they believed was necessary and technologically available at the particular moment.

The incidents have not been limited to the Western Hemisphere or to small scale skirmishes. At least 103 of them took place outside this Hemisphere, and 53 of these occurred in the 18th and 19th centuries. One of them, the Philippine Insurrection, involved the employment of over 126,000 United States troops in a war begun and ended without any declaration of war.

These practices form an impressive source of Constitutional interpretation of a kind which has real meaning in the courts. In fact, the principle of usage has been accepted by the Supreme Court as a *determining* factor in Constitutional interpretation. For example, in *United States v. Midwest Oil Co.* 236 U.S. 459 (1915), the Court approved the validity of a long continued practice of the President to withdraw public land from private acquisition, even though this conflicted with a contrary Act of Congress. That practice fixed the construction, the Court explained, "is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or *the existence of a power*, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." *Id.*, at 472, 473. (emphasis added).

To those who fear this concept may give an unrestrained power to the President to do anything he wants, I would remind them that I am speaking only of defensive actions by the Executive. The President cannot conduct a war of aggression. He cannot bully another country with threats of armed action simply because we do not like its tariff policies or the way it governs its internal affairs. His Constitutional power of independent action is limited to the defense of our country, and its freedoms; but he may act whenever and wherever in his judgment a danger exists, immediately or prospectively, which compels a response on our part.

REASONS FOR OPPOSING THIS RESOLUTION

The most significant argument against the rigid definition of the President's powers in the area of foreign policymaking is that the making of foreign policy above all else demands flexibility, creativity, and compromise, and any legislation which seeks to define all the avenues open to a President in the conduct of foreign affairs is actually weakening the ability of that President to deal with other nations.

The legislation we are considering could be misinterpreted both by potential enemies and by our allies as a sign that the United States would be incapable of reacting swiftly in an emergency situation. Moreover, the bill would require public debate in all crises situations, such as the Cuban missile crisis situation, when quiet diplomacy is needed to avoid armed conflict.

The 60-day provision, I think, infringes on the President's constitutional power to repel attacks or threats of attack on the country and its forces. Moreover, the 60-day limitation on Presidential action would be unworkable as a practical matter and could generate pressures to escalate hostilities in order to achieve objectives by whatever means possible within 60 days.

Since Congress already has the authority to conduct at any time the same kinds of review that this legislation proposes to mandate within 60 days, it is difficult to see what advantages Congress gains by legislating an arbitrary deadline. Congress can in any particular case undertake its consideration in a manner and within a period of time appropriate to the circumstances. An arbitrarily fixed time limitation on Presidential authority contributes nothing to the right of Congress to exercise its constitutional authority. At the same time it could seriously impede action or undermine negotiations in the future in a manner not desired by either the President or the Congress at that time.

A weakness in any legislation which seeks to limit the President's war powers is that the knowledge that there is a limitation on what can or cannot be done without congressional consent limits the flexibility of the President to handle potentially dangerous situations in the way he feels best suited to the problem. In any emergency situation, a President very carefully chooses the method of action which best handles the emergency, best reacts to the particular countries and governments involved, and holds the least risk of further escalation of danger in the situation and thus the potential for handling a situation in the wisest way possible.

Eugene Rostow, former Special Adviser to President Johnson, and now a professor of law at Yale University, deals with this particular weakness in the war powers legislation in an article on the subject published in the Texas Law Review of May 1972. Mr. Rostow points out that in the years since the war, our diplomacy toward the Soviet Union has relied on the ability of the President to set clear limits on what would be the U.S. response to a confrontation with the Soviet Union. Most importantly, because of the nuclear bomb both the United States and the Soviet Union have refrained from firing the first shot in any confrontation. U.S. Presidents have used this fear to our advantage. During the Berlin crisis in 1948, Mr. Rostow points out, the President carefully chose an airlift, rather than a troop convoy or rail convoy, because that particular situation would have required the Soviets to shoot down a cargo plane in order to stop the supplying of Berlin—a move they were hesitant to take. President Kennedy used this same reasoning in establishing the limited blockage during the Cuban missile crisis. An end to the blockade would have required a military initiative on the part of the Soviets, or submission to our demands.

As Rostow further points out, this legislation would not have prevented Vietnam or even Korea. He says:

I do not favor increased Presidential power. But I do defend the constitutional pattern of enforced cooperation between Congress and President we have inherited. Its corollary, however, is democratic responsibility. It is unseemingly for astute and worldly men who spoke and voted for SEATO, the Tonkin Gulf Resolution, and other legislative steps into the Vietnam War now to claim that they were brainwashed, and therefore that we—and the world—should treat public acts of the United States as if they never happened. These men were not brainwashed. They knew everything the executive knew. But even if they had been brainwashed, their votes stand. The Fourteenth Amendment is not a nullity because it was ratified by many legislatures which voted under circumstances of fraud, or the coercion of military occupation.

Korea and Vietnam did not come about because the Presidency arrogated Congress' powers over foreign policy. The Congress fully supported those efforts when they were undertaken. The country is in a foreign policy crisis, however—not a constitutional crisis, but an intellectual and emotional crisis caused by growing tension between what we do and what we think. The ideas which guided our response to Korea and Vietnam have suddenly lost their power to command. Those who now believe Korea and Vietnam were errors should recall the prudent wisdom of an earlier time, when the powers of the Supreme Court were left untouched even after the catastrophic error of Dred Scott. We have never needed the strong Presidency we have developed in nearly 200 years of intense experience more than we need it today. The Javits bill would turn the clock back to the Articles of Confederation, and emascu-

late the independent Presidency it was one of the chief aims of the men of Annapolis and Philadelphia to create.

Under more formal war power limitations proposed by legislation, the President involved would not have had the flexibility to deal with these and similar situations, would have been limited to the actions allowed by the law, and would have lost the ability of secrecy in any attempt to vary his response. Any deviation from the prescribed Presidential responses authorized by law would have required the acquiescence of the Congress, and thus would have deprived the President of the bargaining advantage gained by creating uncertainty.

Along these same lines, legislation limiting the President's ability to conduct foreign relations reduces his credibility in other nations. With a clear understanding of what a President could or could not do by law, an unfriendly nation could better predict the reaction it might expect from the United States to hostile actions on its part, and perhaps even be emboldened to attempt certain dangerous activities knowing that the President's hands were tied. President Johnson, as you may recall, threatened to send troops into the Middle East in a successful attempt to prevent the Soviet Union from directly intervening there. Under war powers legislation which defines the President's activities and confines them to certain actions, the Soviet Union would know that this threat could not be enforced without action by Congress. I am deeply concerned that our intentions to help defend Israel in a Mideast confrontation might be compromised as we have no formal treaty with them except the moral and humane pledge to help assure the survival of that courageous friend and democracy.

I am concerned that the enactment of war powers legislation such as that before us today is hasty and may be unnecessary. The Congress already has the power to control warfare, and in recent years has begun to use that power. We can and have set ceilings on the size of the Armed Forces. We can refuse to fund what we do not approve, and place restrictions on funds which we do appropriate—which has been done today with respect to Cambodia. We can refuse to approve Presidential appointments of ambassadors or military officers. We can investigate, filibuster, and delay legislation to force the President to do what we want. And finally, the American people as a whole can vote a President out of office, in fact limit the legislative power of a major party through elections—which has been done in the past. We are only as powerless as we make ourselves, but I feel that this legislation to limit the power of our chief spokesman, our Commander in Chief, our primary ambassador to other nations, could be a dangerous action to take. I sincerely hope that all of us will think long and carefully before approving legislation which, in my opinion, might have an extremely detrimental effect on the conduct of our foreign policy and the very strength of our Nation in the eyes of the world.

Mr. Speaker, this bill could lead to unmitigated chaos, doubt, and uncertainty in the Middle East and throughout the world. This resolution risks misinterpretation by the Soviet Union, by all parties to the Middle East war, by our allies, and by the American people.

We have the unique opportunity to evaluate House Joint Resolution 542 in the context of a real world situation. It serves us well to envision the kinds and extent of actions available to the President in the Mideast if this resolution passes.

The October 11 Washington Post carried the headline, "Soviets Start Major Airlift to Egypt and Syria." The Star and New York Times carried similar headlines. The severe breaches in détente incurred via the Middle East war are already visible. I cannot help but think that additional harm will be done to the cause of détente if this or future Presidents are hamstrung from taking those actions which might help bring increased stability to the Middle East and the world.

It is not difficult to construct a scenario in which the United States would be inextricably bound, by the action of this Congress, from so much as lifting a hand to help save the Mideast from catastrophe.

House Joint Resolution 542 leaves the President unduly hampered from carrying our foreign policy initiatives in the manner prescribed by the Constitution.

Section 2(c) of House Joint Resolution 542 states:

> The Constitutional powers of the President as Commander-in-Chief to introduce U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances are exercised only pursuant to (1) a declaration of war, (2), specific statutory authorization, or (3) a national emergency created by attack on the U.S., its territories or possessions, or its armed forces.

Let us assume for a minute that the sovereignty of Israel is seriously jeopardized. Under the guidelines dictated by House Joint Resolution 542, the President could undertake all the diplomatic initiatives he wished to take in an effort to bring stability in the Mideast; however, all the world would know that before any military action could be taken—before our diplomatic maneuvers would have any credibility—the President would be required to come to the Congress, wait while the Congress debates, before the eyes and ears of the world and authorizes the President to move. In that context, diplomatic maneuvering of any kind becomes mute. Indeed, with all the world aware of the restrictions with which the President of the United States conducts its foreign policy, no nation will afford U.S. foreign policy any credibility. Indeed, the resolution language says that U.S. forces cannot be introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Certainly that language precludes the United States from making any overtures that have any real credibility—for certainly credible action would constitute "imminent involvement in hostilities." This most narrow definition not only flies in the face of 180 years of experience under the Constitution, but also belies commonsense. Such a narrow construction of section 2(c), had it been in effect, would have precluded U.S. maneuvers which helped prevent crisis in the past from developing into broader hostilities.

The questions raised in the Arab-Israel crisis are real questions—asked in the context of a real situation. Can the United States redeploy its troops or rearrange its military hardware or supplies to meet changing national security requirements—after all, who is going to determine if "imminent involvement is clearly indicated?" How does the United States deal with a situation of this kind? What specific foreign policy action is the President allowed to take? Or must the President come to 535 Members of Congress and request specific statutory authorization?

As the distinguished and highly revered constitutional scholar in the other body, Senator ERVIN explained:

> There never has been an army yet that ever won a skirmish when it had 536 or any appreciable number of Commanders in Chief. The men who drew the Constitution knew that they could have but one head of the Armed Forces. And they made the President of the United States that head of the Armed Forces. And they have wholly excluded Senators and Congressmen from then assuming directly or indirectly the functions of Commanders in Chief of the American Army.
>
> Imagine what would happen under these circumstances at the end of 30 days. Some of the Commanders in Chief would order the Army to charge. Some of the Commanders in Chief would order the Army to retreat. Some of the Commanders in Chief would order the Army to dig in. What went on in the Tower of Babel would have been intelligent and intelligible as compared with the position that America would be in at the end of the 30 days.
>
> Let me make it clear that if Congress opposes the action of the President in defending the country against invasion at the hands of a foreign foe, it has the constitutional power to compel him to desist from his constitutional duty to resist invasion by exercising its constitutional power of the purse to deny him the necessary appropriations. But Congress has no power to do what this bill undertakes to do—that is to usurp and exercise, in part or in whole, the power of the President to perform his constitutional duty to defend the Nation against invasion.

Could we have reacted to the invasion of South Korea? Could our 6th Fleet have been mobilized in the eastern Mediterranean at the time of the 6-day war in 1967? Would these circumstances, which had the effect of securing American lives, property, and interest in areas beyond our territorial waters and possessions, been allowed?

These questions are ones with which this body must concern itself during this debate. Certainly they must be answered lest we precipitiously pass into law something which may cause devastating harm to U.S. foreign policy for years to come.

As has been said in this body, time and time again, this legislation is reactive to the Vietnam war—nothing more, nothing less. The fact that the Vietnam war was singularly unpopular to the Nation is irrelevant in this de bate. What is relevant is that we exer-

cise great caution in considering legislation stemming from one event in the history of the Nation—and that event an aberration, full of misunderstanding, divisiveness, and misinformation. The future of U.S. foreign policy processes are far more important than that.

Mr. Speaker, lastly, we must look at this resolution in the context of its espousal. It has come to the floor at the conclusion of an unpopular military conflict in Southeast Asia, an engagement strongly opposed by a large number who now support this resolution. It has come to the floor in the midst of a confrontation between the Congress and the President on certain constitutional prerogatives and powers. It has come to the floor when the President is of one political party and general philosophical disposition and the Congress of another party and disposition. "When we do not learn from history, we are," as Santayana warned us, "doomed to repeat it." I cannot help but feel that this resolution is not being considered in the dispassionate air of reason, of a historical perspective, or of an adequate knowledge as to its consequences. We are here dealing with the capability of this Nation to defend not only its allies but also itself. That is no small measure for concern.

I urge the defeat of this resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield 5 minutes to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, on July 18 of this year, on the final vote, after a good bit of general debate and some very excellent discussion, and the consideration of a number of amendments, the final rollcall showed 244 voting for the bill and 170 voting against it.

It was the hope of myself and a number of others who voted against the bill that we could have amended it on the floor during its initial consideration here, and that if we were unsuccessful at that time we could have gotten a better product out of the conference between the House and the Senate.

After studying the conference report and listening to the debate I regret to say that I do not believe the product before us today is sufficiently good to justify a vote for the conference report. The improvements, if any, over the House version are minimal.

I do not criticize the distinguished gentleman from Wisconsin, because I know he worked very hard to find some language or some provisions that would improved this legislation sufficiently to get an overwhelming vote in the House and a bill that would be satisfactory to the President.

As I look at the conference report and as I have listened to the debate, there are at least two very substantial objections. The one that perhaps this legislation expands, not contracts, the President's authority has been argued by others. I believe there is some validity to the argument that the President's war authority is expanded by the conference report.

The point I wish to emphasize, however, is the one I emphasized during debate on the floor of the House July 18. I said then, and I reiterate now, if the Congress wants to be a partner, if the Congress really wants to be active in making a decision between war and peace, then it ought to decide in this legislation that we should have a vote on it. In the legislation which came from the committee there was no requirement that a vote be taken at the end of the period of 120 days. Under the House legislation if the Congress did not act a President had to stop our military commitment. Now that is, I believe, a fatal flaw. It seems to me if we want to be a partner we ought to have the wisdom, the courage, and the guts, if that is the right word to vote "yes" or "no" and not to say, "We will stop a war by sitting on our hands and doing nothing."

That is what the House bill provided, and regrettably that is what this conference report provides.

I want us to be helpful, active and a participant. I do not believe we carry out that function in the provisions of this conference report. Inaction by the Congress is no way to force the President to stop any military commitment.

Also during the debate on July 18, I read into the RECORD a telegram from the President indicating that the President was not irrevocably committed against any war powers legislation. The impression had been created in the months before that perhaps the President did not want any action by the Congress to define or limit the authority of the Chief Executive, the Commander in Chief. But as I read the telegram from the President I believe the record was cleared up and straightened out. He will accept and would welcome some legislation in this area. On the other hand, he could not accept the House verision.

As I read the conference report I am convinced that his objections are equally valid against the conference report, and I fear all of the labor of my friend from Wisconsin and his associates will be to no avail.

If we could have achieved some different version, some different language, some change in the approach, I believe we could all vote affirmatively for some legislation I believe is needed. I hope and trust we are able to have a substantial vote against the conference report to indicate our dissatisfaction.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania, the chairman of the committee (Mr. MORGAN).

Mr. MORGAN. Mr. Speaker, the conference report on House Joint Resolution 542—the war powers resolution—is the product of serious and careful deliberation.

We from the House, and the conferees from the other body, worked hard to combine the best elements of the war powers bills which the House and Senate had passed.

I believe we reached agreement on a measure which represents an improvement over each of the separate bills.

I want to emphasize, once again, that nothing in this legislation encroaches upon the constitutional powers of the President.

Neither does it enlarge the authority of the President or of the Congress.

What this resolution does is to assure that the Congress will be able to carry out its duty with respect to war powers, assigned to us under the Constitution.

The other body, by a large bipartisan majority, gave strong backing to the conference report Wednesday.

I urge that we do the same.

Mr. ZABLOCKI. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I wish to express my appreciation to the gentleman from Wisconsin (Mr. ZABLOCKI) and the other conferees. It was my privilege to serve on the conference.

In all the years I have served in Congress I have never served on a conference which worked more diligently to reach agreement. There were strongly-held and widely disparate views among the conferees. But recognizing the historic nature of the undertaking with which they had been charged, there was a determination to arrive at a consensus on war powers legislation.

That determination expressed itself in days and weeks of hard and serious work. Our conferees, led ably by Chairman MORGAN and Mr. ZABLOCKI; the Senate conferees led by Chairman FULBRIGHT and Senator JAVITS; and the staffs on both sides, worked very hard to bring out the conference report which is before the House today.

Without hesitation, I can characterize this document as an historic one.

The agreement marks the first time in our Nation's history that both Houses have passed war powers legislation and then have been able to join their efforts behind a single version of war powers legislation.

In this conference document both bodies have reasserted their constitutional role on issues of war and peace, and have signaled their determination that they will not be bypassed in crisis situations which require the use of U.S. Armed Forces.

For the first time in history, the requirement that the President consult with Congress before taking actions which may involve the Nation in war, has been codified in this legislation.

For the first time in history, a requirement is placed on the President to report to Congress when he takes action as Commander in Chief.

For the first time in history, Congress has set a time limit on how long the President may act on his own authority to commit American troops to combat.

For the first time in history, the Congress has reserved to itself the right to require the President to withdraw American forces forthwith from combat when

he has exceeded his authority, through passage of a concurrent resolution.

For this first time, Congress has used the authority granted it by the "necessary and proper clause" to establish procedures to insure that the collective judgment of the Congress will be brought to bear on issues of peace and war and the President will not act alone under alleged constitutional authority.

At this point I wish to turn to some of the arguments which have been made against the conference report today.

One of the most curious to me is the charge that this legislation expands the powers of the President. On the other hand, we have heard from those who contend that it unduly restricts and constrains the powers of the President. How can one joint resolution do both? One side must be wrong.

In matter of fact, both contentions are wrong. No simple act of Congress can affect the powers of the President, for they flow from the Constitution. The only way to affect those powers is to amend the Constitution.

Thus, this conference report could not, and does not attempt to, increase or decrease one iota either the powers of the President or the Congress. This is made amply clear in section 8(d) which states—and I quote:

> Nothing in this joint resolution (1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or (2) shall be construed as any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

It is clear from this language, therefore, that any arguments against this conference report on the grounds that power is being given or taken away from the President simply are specious.

A second allegation made about this legislation is that there is an implication that Congress is giving the President power under the bill since it provides for the use of a concurrent resolution to require the withdrawal of U.S. troops when they have been committed by the President without prior congressional approval.

The thinking apparently goes this way: In past legislation in which Congress has provided for a veto of executive action by a concurrent resolution, it has given the President extraordinary authority in the first place. Since the war powers legislation provides for the use of a congressional veto through a concurrent resolution, therefore something must have been given to the President by implication.

If, as I pointed out earlier, Congress cannot give the President additional war powers by legislation, it certainly cannot do so by implication. What cannot be delegated by law, cannot be delegated by innuendo.

Finally, let us consider the argument that Congress should move to cut off Presidential commitments of forces into hostilities only by "affirmative action." Let me point out that today we are taking the affirmative action called for. We will in a few moments be voting up or down on a measure which will lay down guidelines for the exercise of war powers. Once we have established those procedures by an up-and-down vote, and this measure becomes law, we have acted affirmatively.

It is my hope that the House once again will overwhelmingly vote to support the war powers legislation.

If we do, we will have established a guideline in the policy, history, and tradition of this Nation which no President would dare ignore, for he would ignore it at his own risk.

It is my hope that the President will see fit to sign this legislation into law. Whether he does or not, however, the national policy set forth in this conference doctrine will serve to provide the model and test for both Presidents and Congresses of the future as they grapple with issues of peace and war.

For these reasons, regardless of the outcome, this is a historic document and we meet on a historic day.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. Mr. Speaker, I have promised to yield to the distinguished gentlewoman from New York (Ms. HOLTZMAN) and I will do so now.

Ms. HOLTZMAN. Mr. Speaker, I wish to thank the gentleman, my good friend and distinguished colleague from Florida, for yielding.

I wonder if the gentleman would answer the following question:

Mr. Speaker, I believe it is quite clear, and I am sure the gentleman would agree, that the Constitution does not permit the President without congressional approval to commit U.S. forces to war, except in certain specific and limited circumstances, such as an emergency, an attack upon the United States, or an action taken in certain instances to protect the lives of American citizens and troops abroad.

However, in this conference report we are saying that if the President commences hostilities, even if they are unconstitutional and illegal, he may continue those hostilities for 60 days.

Mr. Speaker, is that not in essence giving the President power which he does not have under the Constitution?

Mr. FASCELL. Mr. Speaker, I thank the gentlewoman for asking that question.

I will say, first of all, that there is no premise laid down in this conference report which legalizes an illegal act of the President.

If the acts of the President are illegal, that is certainly something we do not sanction in this legislation, they remain ultra vires or illegal. We make it quite clear as a matter of statement that it is our belief that the President can exercise his authority in only three ways, which are very carefully spelled out, as follows: By a declaration of war, specific statutory authority, or in the case of a national emergency created by an attack upon the United States, its territories or possessions, or its Armed Forces. But as is made clear in section 8(d) we do not, as indeed we cannot, alter the constitutional authority of the President whatever that is and therefore we can neither enlarge nor diminish.

Mr. DENNIS. Will the gentleman yield?

Mr. FASCELL. I am happy to yield to the gentleman.

Mr. DENNIS. I just want to ask the gentleman if this bill were to become law and the President should move the 6th Fleet into the eastern Mediterranean with Armed Forces prepared for combat, would he have to recall them at the end of 60 days unless Congress voted to approve that?

Mr. WOLFF. Will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. WOLFF. One of the aspects of the 6th Fleet being there is to remove American citizens. It has nothing to do with the defense of the Mediterranean.

Mr. FASCELL. The answer to the gentleman is "No."

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

Mr. FRELINGHUYSEN. Mr. Speaker, I rise as a House conferee in strong opposition to this conference report.

I do so with some disappointment, because we have had an opportunity to come up with legislation that could have been signed into law. Now, however, the obvious fact is that the product of the conference committee is inevitably going to be vetoed by the President. I have received assurances from the White House that that is the case, and I think it is quite right that the President should do so.

I do not believe this legislation constitutes a reasonable restraint on the President. Rather, I think it is an unreasonable and probably an unconstitutional effort to restrain him. I emphatically do not believe it is better to do something, as the gentleman from Delaware suggested, than to do nothing at all.

I was glad to see one of the chief cosponsors of warpower legislation in the other body, Senator EAGLETON, voted against the measure even though he was an originator and prime advocate of legislative action in the other body. He obviously believes it helps to do nothing, than to take action of which he disapproves.

I believe the conference report is unwise in its major provisions. I am quite sure it is untimely. One only has to look at the raging conflict in the Middle East to realize that this is not a good time for us to be playing around with an attempt to restrict the President's authority.

I think this is basically a futile exercise, and I am unhappy as I would like to see the legislative process result in something constructive.

Mr. Speaker, I want to add that I support certain major provisions of this bill and regret that these will be vetoed along with the rest.

As an example, it seems to me, if the Congress wants to wake up to its own responsibilities, which is the basic purpose of this exercise, we should be given an adequate account of what is going on.

We should be consulted before and during a crisis. We should have a say in, and make a contribution toward, the decisions that the Government makes about how to react to a serious crisis.

However, this kind of sharing of responsibility by Congress does not require the provisions that we have discussed—and unfortunately we have no time to discuss them at length here today—which make this resolution, in my opinion, fatally flawed.

We have had a brief discussion today, as we did in July, about the weakness of a concurrent resolution as a possible way of restraining the President in a matter of this kind. The other body did propose a joint resolution. It was my hope at least that the conferees would come out in support of a joint resolution if we wanted to end hostilities. However, there was practically no discussion on that point in conference, and it was simply dropped.

There has been some discussion of the inadvisability of inaction by the Congress triggering a major change in policy undertaken by the President. I think this provision is a fatal flaw.

On the face of it we are trying to arouse ourselves to a sense of responsibility to do something, to participate, to reassert our congressional role. Then we say if we cannot make up our minds in 60 days about whether we should engage in hostilities or not, that we are going to assume that the President is wrong. We seek to nullify what he has done in his capacity as Commander in Chief even though we have not sought to prevent what was taking place for that 60-day period.

Mr. KEMP. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. KEMP. I appreciate the gentleman yielding and associate myself with his remarks.

He is making an extremely important point. At the end of 60 days can you imagine the chaos in the Middle East if this current war situation still exists at that time. If the Russians continue to arm the Arab States and we come here on the 59th day for debate, all of a sudden we will have 535 "commanders in chief"; some will say attack and others will say retreat and others will be squarely in the middle! It will be chaos and I think it will lead to chaos, confusion, and perhaps catastrophe for the Middle East and Israel and our President's attempts to help build a more stable structure for world peace.

Mr. FRELINGHUYSEN. I agree with the gentleman from New York.

Mr. Speaker, let me speak, of necessity very briefly, about this 60-day time limit. The Members will remember that the House proposed 120 days, and that the Senate proposed only 30 days. The result is the so-called compromise of 60 days. The President can act during that period but if the Congress has made no decision by then the action terminates, and he must bring the troops home. There is one exception, an additional 30 days is allowed the President. This is a very limited exception. If the President determines that unavoidable military necessity requires the continued use of the armed forces, he may continue for 30 days but only—and I want to emphasize this—but only in the course of bringing about prompt removal of such forces.

I would suggest that circumstances may well require a longer period for the removal of our troops. I would suggest that this is an arbitrary limitation.

Quite obviously, a 60-day period gives far less time for Congress to come up with a conclusion, through the committee process, as to whether or not it approves the Presidential action. It gives us far less time to consider the question and what should be done. Furthermore there is no provision in the conference report for what happens if a crisis should arise between adjournment and the beginning of a new Congress. The House version did have a provision for taking into account the fact that the House every 2 years has to organize itself, and time may be required.

Now the calendar time lapses without any regard for the difficulties which may develop should there be no Committee on Foreign Affairs until the House has taken appropriate action to organize itself.

Let me say there is little consolation, for those who favor the shorter time period, in the 60- to 90-day period, as Senator Eagleton said, this language could be construed as an open-ended blank check conferring warmaking powers on the President. This provision can be continued as formal recognition by Congress that the President, for this fixed period, has virtually untrammeled authority. If anyone is worried about whether Congress is actually giving authority to the President, he must recognize that we are not making it any less of an authority by specifying 60 rather than 120 days.

Perhaps now is time to look at the language of section 2C:

> The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions or its armed forces.

A careful look at this language, Mr. Speaker, provides considerable support for those who feel that by this resolution Congress is in fact "legitimizing," or expanding, the President's role in its attempt to restrict him. Where in the Constitution is there any "constitutional power" given the President to introduce troops into combat? I can find no such language in the Constitution. Are we then, by formal legislative action, seeking to recognize that the President indeed has such powers? In defining his "constitutional powers," even as ineptly as does section 2C, are we actually curbing the President?

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, 1 minute is hardly sufficient time to discuss the very difficult constitutional issues involved. So I merely submit that the bill is at best ambiguous as between its section 8(d) in which it purports not to grant the President any additional warmaking authority, and its section 5(c) in which it preserves the right by concurrent resolution for Congress to withdraw certain authority which it has extended, as the gentleman from Indiana (Mr. DENNIS) has pointed out in his discussion.

Furthermore, in the provisions taken from the Senate bill it is said that the bill is to insure the collective judgment of both Houses of the Congress and the President to apply to the introduction of U.S. Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated. I thought it was the judgment of the Congress alone.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota, a member of the conference (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I want to direct my remarks to those who fear that this conference report gives the President authority which the President does not now have.

In section 8(d) it reads that:

> Nothing in this joint resolution—
>
> . . . (2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

I do not know how we can write a bill that says it more plainly than it is said there. The wording is explicit.

One other point is with reference to the statement about the President's power to engage U.S. forces in the event of an attack on our Armed Forces; let me point out that that phrase is qualified by the phrase that there must be a national emergency. It is not enough that there simply be an attack on U.S. Armed Forces under that language. There is also the requirement that that constitute a national emergency, so that an attack on some isolated naval unit or some patrolling unit in some part of the world, unless it created a national emergency, would not justify commitment by the President of our Armed Forces to hostilities.

Finally, the 60 days could have been written to say that it shall expire sooner if the Congress has voted on the question and has declined to give the President specific authority. We can read the concurrent resolution section as in effect accomplishing that same aim, and thus it affords another basis for the constitutionality of the concurrent resolution provision for in effect it shortens the 60-day period because the Congress has taken up the question and disposed of it in a fashion unfavorable to the President's continuing involvement of forces. So that provides one basis for its constitutionality.

The other basis for the constitutionality of the concurrent resolution is the fact that in case the President infers any authority from anything Congress has done in law or by treaty, then we expressly make any such inferred authority subject to the right of termination by a concurrent resolution. Of course, in the

act we have sought to avoid an inference of authority from provisions which are not explicit, but it is difficult to know in advance what claims a President may make to justify an action he has already taken.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentlewoman from New York.

Ms. ABZUG. Will the gentleman tell me where in the Constitution there is a provision requiring the collective judgment of the President and the Congress to involve us in war as is provided in section 2 of this bill? The Constitution is unambiguous on this point: only Congress can involve this Nation in war. Such was the clear intent of the framers of the Constitution who having suffered from the power of a king, determined to reserve to the people through their representatives, the right to declare war.

Mr. Speaker, I shall vote against this bill because it is patently unconstitutional and gives the President power he does not now have. I appreciate the fact that for 3 years a vast amount of time and effort has gone into the drafting of this legislation and even greater effort into making this conference report more palatable than the Senate or House bills. But I fear that it does exactly the reverse of what we set out to do: that is, to prevent the President, any President, from usurping the power of Congress to declare war.

The conference report, instead, gives the President 60 to 90 days to intervene in any crisis situation, on any pretext, while Congress merely asks that he tell us what he has done. The agony of the past decade—which triggered this legislation—should have taught us better. After the Gulf of Tonkin Resolution which was considered authorization for the war in Vietnam, Congress spent 9 years trying to extricate the country from that predicament. Even after we were out of Vietnam, Congress authorized another 45 days of bombing in Cambodia simply because a President had decided, on his own, that Cambodia should be bombed.

We look back on that now as a deplorable period of congressional history; must we condemn ourselves to repeat it? That is what we do with a bill which suspends the Constitution for 60 to 90 days, during which we abdicate our responsibility "to declare war" and "to make rules for the Government and regulation of the land and naval forces."

The purpose and policy section of the bill, section 2, assumes something that does not exist: "The constitutional powers of the President as Commander in Chief to introduce U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." But the President has no such "constitutional powers." Article II, section 2 of the Constitution, as you know, states that: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the Several states, when called into the actual service of the United States." That is, after a declaration of war by Congress.

It is sometimes claimed that the President's role as Commander in Chief gives him authority to deploy those forces as he sees fit. Alexander Hamilton—who believed in Presidential power—wrote in The Federalist that this role meant simply that the President was to be the top general of the army and the chief admiral of the Navy. Abraham Lincoln—who also believed in Presidential power, wrote:

> Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our Constitution understood to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

In this decade we have seen such oppression tear our own country apart. Let us not continue refusing to assert those prerogatives for which this Congress was created.

The conferees made their intentions very clear in the explanatory statement of their report. This is what they said:

> Section 2(c) is a statement of the authority of the Commander-in-Chief respecting the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Subsequent sections of the joint resolution are not dependent upon the language of this sub-section, as was the case with a similar provision of the Senate bill.

The Senate bill, you recall, directed the President to come to the Congress before, not after, committing our troops, except in three specific circumstances: an attack upon the United States, an attack upon troops legally deployed abroad, and the rescue of American nationals imperiled abroad.

In dropping this provision, and invalidating their own earlier demand for congressional authorization, the conferees gave the President a blank check for 90 days of warmaking anywhere in the world.

This bill is worse than no bill at all. It creates a legal base for the continuing claims of Presidential authority to take the Nation to war. Its practical effect would be to legitimate the President's current misuse of power rather than prohibiting it.

We do not need to ask the President to consult with us "in every possible instance" before introducing U.S. Armed Forces. We are supposed to tell him when to introduce those forces.

We do not need to ask him to report to us on what he has done, at whatever interval. We are to make rules for the "government and regulation" of our forces.

In short, we do not need legislation to "fulfill the intent of the framers of the Constitution." We simply need to abide by that Constitution.

The SPEAKER. The time of the gentlewoman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, on July 18 the House passed this legislation by a vote of 244 to 170. Since that time the Foreign Affairs Committee has been working diligently with the Senate Foreign Relations Committee to try to write a rational and reasonable resolution that would be in agreement. And I think they have come up with the best possible approach to spell out congressional intent and to reassert the congressional prerogatives that the framers of the Constitution had intended for the Congress to be included in the war decisionmaking process. I believe if this resolution passes that the Congress, the direct representatives and the voice of the American people, will be consulted prior to the commitment of the U.S. Armed Forces in hostilities abroad.

I think the resolution points out that only through executive and congressional communication and cooperation can the national unity necessary to support such commitments be obtained.

I hope that we follow exactly the same vote that we had the last time. This resolution enables Congress to have access to the necessary information and evidence through the consultation and reporting requirements which would allow Congress to play an effective and useful role in the decision of war and peace, and it is through this kind of communication and cooperation between the executive and the legislative branches of Government that successful policy decisions can be achieved.

The need for war powers legislation is readily apparent today with the volatile situation in the world, and I urge immediate adoption of the conference report.

Mr. PRICE of Illinois. Mr. Speaker, adoption of the conference report on House Joint Resolution 542, the war powers resolution, may be the most important legislative enactment of the 93d Congress. Essentially, the resolution reaffirms the rightful place of Congress as a full-fledged partner in the decisionmaking process of committing American forces to combat.

Review of the deliberations of the Constitutional Convention clearly support the fact that Congress should be such a partner. The only exception to this idea is that the President, as Commander in Chief, is empowered to repel sudden attacks. However, this does not lessen the fact that Congress is clearly expected and empowered in the Constitution to declare war.

During the course of American history, Congress has been called upon repeatedly to initiate war; that is, the Congress provides the President with the authority to commit U.S. forces. It has not been until mid-20th century that our Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. This is no doubt because the world has changed. The pace of events has quickened so that response time is shortened. This cannot be used as justification, however, for negating the central concept of our Government that requires a balance of powers within a system of checks and balances.

However uneasy the partnership may be between the Congress and the President, the fact remains that our constitutional system requires that our separate governmental institutions participate

jointly in decisions of national import. This resolution, therefore, is recognition of the imbalance that has existed too long. The resolution does not tie the hands of the President as some may claim. Rather it strengthens the hand of the President because congressional support will be available to the President in times of crisis when united efforts are needed. We have just experienced a bitter war in Indochina. The country has been divided because of it. The Presidency has been weakened because of it. It is time to revitalize our Government's capability and restore the confidence of the American people in their Government.

The resolution establishes guidelines for U.S. involvement in armed conflicts. It is clear that they provide sufficient latitude for the United States to act quickly and resolutely in meeting any challenges we may face.

The guidelines are as follows:

The President is barred from waging war for more than 60 days without congressional consent.

The President is allowed to continue hostile actions for as long as 30 more days if such action is an "unavoidable military necessity" to protect U.S. troops in the field.

Congress is authorized to demand a halt to military action at any time through a concurrent resolution. Such a resolution will not be subject to Presidential veto.

Congressional understanding of the conditions under which a President might commit U.S. troops to combat is as follows:

A formal declaration of war; specific authorization by Congress; national emergency created by an attack upon the United States, its territories, possessions, or Armed Forces.

I do not feel they justify a Presidential veto. I sincerely hope that President Nixon will not veto the resolution, as has been reported. I hope that he will view the resolution as a desire on the part of the Congress to renew the partnership that is essential for maintaining our national security.

Mr. FRENZEL. Mr. Speaker, I strongly supported the House Foreign Affairs Committee's bill when this body passed it. I believe the Conference Committee has actually improved the bill. I like it better than our original bill, and I support it enthusiastically. I especially like the 60-day feature rather than our original 120-day period. I like also the 30 day "withdrawal period," and I am glad the Conference Committee accepted the concurrent resolution feature which was the heart of the House bill.

I believe that passage of this bill is the most important single act the Congress can take in its effort to rebuild eroded powers. Other actions have been political like the ex post facto OMB confirmation, or unwise like the particular version of anti-impoundment legislation the House has passed.

The War Powers Act is not political, nor unwise, and it does not seek to enhance congressional power by reducing Presidential power. It merely seeks to define more closely by law the existing constitutional powers of both the Legislative and executive branches.

It may not prevent future wars, but it is also the first significant action by Congress which demonstrates that our country has learned something from its experience in Southeast Asia.

I believe this bill is a thoughtful, sensible approach to an important question. I hope it will be passed by a significant majority.

Mr. PETTIS. Mr. Speaker, I rise in support of this conference report on the "War Powers Resolution."

The conferees are to be congratulated for achieving a viable compromise which both reasserts the authority constitutionally mandated to Congress to declare war, and defines the scope of Presidential power to deal with emergency situations affecting our national security.

This is a vital and necessary distinction and I urge adoption of the conference report.

Mr. DELLUMS. Mr. Speaker, I rise in opposition to the conference report.

I voted against the House version when we first considered it, and it seems to me that this is essentially the same bill. I know that now when the fighting is over—both in Indochina and here at home—the Congress would like to say, "I told you so—we were right all along—and if we had had this legislation, we could have done something about it." But providing ourselves with ex-post-facto excuses is not a worthwhile legislative aim, especially if giving ourselves the excuse makes it even less likely that we will do our job next time.

And that is what this bill does.

What should be the aim of a war powers bill? I will tell you very definitely what should not be the aim—we should not try to find a legal gimmick to do the job that can only be done by our own political courage, foresight, and resourcefulness. Barring that, the only conceivable aim would be to say, in detailed and explicit language, "This is what the Constitution says. This is what you can or cannot do under the war powers clause." Otherwise, what is the point? What could we possibly add to the Constitution?

The original Senate bill attempted to do this. But the conference version does not even bother to try. Some advisory language about the meaning of the Constitution is put into a nonoperative sense of Congress clause at the beginning. I am sure the President will be delighted to hear our opinion, but after all, it would not be the first time if he respectfully—or disrespectfully, for that matter—declines to agree.

Otherwise, the bill does exactly what I said earlier it should not do—it sets up a creaky machinery of reports and consultations that will somehow save us from the kind of imprudence and timidity we displayed over the last decade.

I would like to say something about consultation. I know I am a relatively junior Member of this body, but I am still surprised sometimes to pick up the paper and read, "Congress was consulted"—and I cannot remember any debates, any votes, any legislative work at all. Congress can move quickly when it wants to, but there is a difference between moving quickly and being bypassed. I am glad when the President sees fit to seek the valuable advice of the House and Senate leadership, ever after the fact—but that is not congressional consultation in my book, although it is according to the conference bill.

So what are we left with?

No real limitation on the power of the President to commit troops or begin hostilities. A 90-day period for the President to pressure Congress for approval—although I recall it did not take President Johnson that long to get the Tonkin Gulf resolution. And finally, legislative language that actually disconnects our understanding of the war powers clause, given in section 2(c), from the power of the President to commit troops or begin hostilities. By specifying the meaning of the war powers clause, and then saying, "it does not necessarily apply"—this does not strengthen the war powers clause, it merely makes it irrelevant.

All this is a high price to pay for the pleasure of shaking our fist at the President after the fighting is over. No one would be more delighted than myself to support a substantive move by Congress to pin the Executive down to its constitutional role. Since this bill moves in the complete opposite direction, I am urging my colleagues to vote against this measure.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the conference report on House Joint Resolution 542, the "war powers resolution." I had voted for this measure when it originally passed the House on July 18, even though I had supported some amendments which I felt would have improved the resolution, and those amendments failed of passage.

I have given very careful study to the conference report and I think the conferees are to be commended on doing an excellent job in reconciling the differences between the measure which passed this body and that which was adopted by the other body. I think the compromise resolution spells out quite clearly that this legislation is both proper and necessary in implementing the constitutional responsibilities of the Congress. Under the Constitution the Congress is given the authority not only to declare war, but to provide for the common defense, to raise and support armies, provide and maintain a Navy, make rules for the Government and regulation of the land and naval forces, provide for the calling forth of the militia to execute the laws of the Union, suppress insurrections and repel invasions, and provide for organizing, arming, and disciplining the militia. In addition to these enumerated war powers of the Congress, the legislative branch is granted the authority in the Constitution to—

make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

The legislation which is before us today is designed to carry into execution our war powers. It specifically states that it in no way alters the constitutional authority of either the President or the Congress. It clearly recognizes that the President as Commander in Chief must have the flexibility to act with dispatch

during a national emergency "created by an attack upon the United States, its territories or posssessions, or its Armed Forces," in the absence of a declaration of war or specific statutory authorization.

Recognizing that such emergency situations can arise, and recognizing that such emergency actions can balloon into major and prolonged national commitments, the Congress in its wisdom has taken steps in this resolution to insure that there is consultation between the President and the Congress "in every possible instance" before American forces are introduced into hostilities or situations in which hostilities are imminent, and that there is continuing and periodic consultation once troops have been introduced. We have also taken steps to insure that if it is necessary to use troops in such situations beyond 60 days, the President must have the specific approval of the Congress through a bill or joint resolution. We have also given the Congress the authority to terminate the use of troops at any time through the passage of a concurrent resolution.

Mr. Speaker, as I mentioned earlier, I think the requirements and procedures contained in this resolution are both necessary and proper, especially in view of our Vietnam experience. We have rightfully required that the Congress be fully consulted and informed at every step along the way and that it be fully involved in the decisionmaking process. We have learned that if any commitment is to be credible and meaningful, the Congress and the American people must have all the facts or the commitment will not have the sustained support of the Nation. If we lose sight of our original policy objectives or the original rationale for that commitment, if we entrust such grave responsibilities entirely to one man without question, we run the very real risk of eventually losing the type of informed and involved support needed to sustain that commitment.

In conclusion, Mr. Speaker, I think this legislation will have the effect of not only strengthening the Congress but of strengthening the Presidency as well; for if a President is to be strong and successful in the conduct of foreign policy and if our commitments are to remain credible, they must have the active and continuing support of the Congress and the American people. I think this war powers resolution makes a major contribution to effecting that objective. I urge its adoption.

Mr. CLEVELAND. Mr. Speaker, I will cast my vote today for the conference version of House Joint Resolution 452 in the interests of congressional assertion of constitutional war powers. But I do so with great reluctance. While the principle must be asserted, the measure before us contains an approach which gives me grave concern. And its progress toward adoption saw the abandonment of a far preferable approach.

I refer, of course, to the provision that prescribes a cut-off, automatically and before the fact, of a limited and undeclared military action undertaken by a President within 60 days unless there is affirmative action by the Congress to extend it.

Given the capacity of the Congress for inaction in the face of hard realities, I consider this a congressional cop-out. After failing to act for so long, Congress now appears disposed to overreact.

My position throughout debate of this issue has been that the Congress must share with the President the consequences of both action and inaction in the use of our Armed Forces beyond our shores. Each Member should be on record by a vote up or down. This concern is partially offset by language which gives some assurance that a bill or resolution offered to extend a military action would be given privileged status and thus bring the matter of extension or termination of hostilities to a quick determination. Another ground for some encouragement is the fact that passage of war powers legislation should foster a greater amount of consultation between the Executive and Congress well in advance of the emergence of crises in which this resolution would have effect.

Another problem is the resolution's ambiguous definition of a President's authority to initiate military action. I see danger that this provision, an attempt to compromise the House version's silence on the question with the Senate's narrow enumeration of justifying circumstances, could well be so restrictive as to limit response to threats against vital U.S. interests.

Nonetheless, I am putting aside my reservations and supporting this resolution. But I would caution my colleagues on this one point: The administration has said flatly that this measure will be vetoed. And I suspect that would be sustained. Were this a conventional issue, one would expect the matter to rest there. Supporters would have no legislation but they would have an issue. Business as usual.

But I call on my colleagues who support this resolution and the administration to come together in the sort of consultation I alluded to earlier, and produce a balanced compromise with which we all in good conscience can live. This will be a critical test. If in the absence of overt hostilities we cannot accommodate our differences, I would ask how Congress and the Executive can create a productive partnership with our forces under fire.

Ultimately I believe the Congress will prevail in asserting this constitutional power. But it may not happen until this body can impose its own internal differences and we draft a measure in which a sufficient number can sustain in the face of a veto. Personally, I would favor a measure requiring that Congress affirmatively vote in order to terminate a military operation commenced by the President in the absence of other legislative authority after expiration of a reasonable period. Such would be the reverse of the measure we consider today, and would clarify the important matter of authority for initiating action.

Ms. HOLTZMAN. Mr. Speaker, I thank the able gentleman from Florida for his response to my question. I am, however, constrained to vote against the conference report, as I voted against the war powers bill itself. Instead of limiting the President's warmaking powers, its effect would be to sanction for 60 days illegal combat operations initiated unilaterally by the President.

It is with some regret that I oppose this conference report. It represents a substantial improvement over the earlier version of the bill. And its ultimate objective—providing an automatic procedure for ending illegal wars—is laudable and necessary.

But these good intentions do not alter the plain language of the resolution and the conference committee report. By attempting to limit Presidential war powers after 60 days—or in some circumstances 90 days—the resolution implicitly delegates war-declaring powers to the President prior to the 60–90-day deadline. Such a declaration is, I believe, not only highly undesirable, but unconstitutional. Article I, Section 8 of the Constitution specifically grants the Congress alone the power to declare war. As Alexander Hamilton, one of the staunchest advocates of a powerful President, said:

> It is the peculiar and exclusive province of Congress, when the nation is at peace to change that state into a state of war . . . in other words, *it belongs to Congress only to go to war.*

The need for a bill to prevent Presidents from disregarding the Constitution is plain. Our tragic experiences in Vietnam and Cambodia under both Democratic and Republican administrations amply prove that point.

Unfortunately, the conference report will not prevent illegal Presidential wars. First, its definition of the circumstances in which the President can legally exercise his limited authority as Commander in Chief to commit forces abroad is vague, ambiguous, and exceedingly broad.

Second, it does not prevent the commencement of an illegal war, but allows one to continue for from 60 to 90 days.

Since the President does not have the power for even 1 day to carry on military activities without the approval of Congress—except in limited circumstances and in a limited manner to repel an attack on this country—I cannot support a bill which would in effect permit him to carry on a war for 60 days.

Presidential abuses of warmaking power has resulted in a domestic crisis of substantial proportions—it has led to rampant inflation, it has led to divisiveness, it has led to Presidential lying and dishonesty and ultimately lack of public confidence in our governmental institution.

We need to end future abuses. This conference report, however, will not achieve that result.

Mr. MILLER. Mr. Speaker, this whole issue of war powers—the definition of the circumstances under which the President may commit and sustain U.S. military forces to overseas hostilities—is terribly complex, yet its debate is not new. We are replowing much of the same ground furrowed by the Founding Fathers over 180 years ago. Yet even though we, as the Nation's lawmakers, today have the benefit of historical experience with what the framers finally

drafted, the same questions which troubled the framers still remain to this day—still largely unresolved.

What independent authority does the President have to commit forces to foreign hostilities?

Can Congress place restrictions on a President's conduct of constitutionally authorized conflicts or terminate them?

When congressional authorization of a commitment of forces is required, what form should it take?

What authority does Congress have to define the limits of the President's power as Commander in Chief?

While a properly drafted war powers bill could help bridge the interpretive gap between the respective roles of Congress and the President, I am unconvinced that House Joint Resolution 542 is the right bill. Instead of strengthening the congressional role, it may demean it by conferring unintended additional prerogatives upon the President to engage in "adventurism." For instance, would the sanctioning of military action undertaken by the President under this bill within the 60-day period merely encourage a President to undertake a foreign intervention? In this regard, the bill can only muddy the water.

Second, I continue to be troubled by section 5 which enables the Congress to terminate a Presidential commitment by inaction. How can there be a true reassertion of congressional responsibility if the Congress can make an important policy decision merely by doing nothing? It should not be easy for the Congress to duck an issue of such critical national importance. At the end of the 60-day limit, the Congress should be required to take an up or down vote on whether a President's action is to be sustained.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the conference report to House Joint Resolution 542 known as the war powers resolution. There have been many statements made in this debate to the effect that Congress must reassert its authority over the war power which the Executive usurped during the last decade.

I do not believe that the problem is so much one of Executive usurpation as it is one of Congress' reluctance to act firmly in the midst of a crisis. If this analysis is correct this resolution will not give us any additional power; we already have the power and we should resolve to use it at the appropriate moment, rather than pass a resolution which memorializes a constitutionally unintended Presidential power in this area.

The Constitution clearly provides in article I, section 8 that the Congress shall have the power to make and declare war. Until recently this power was adequately and responsibly utilized by Congress. Even when Pearl Harbor was bombed, it was the Congress that declared war on the Axis powers and not the decision of the Executive that sent this country into World War II.

There, of course, are those who say that Congress has already lost the war power and that this resolution is necessary to give Congress some say in the war making power. I completely disagree with this interpretation of the facts.

Even during the Vietnam era, Congress could have ended the war either by a resolution ordering the troops home or by cutting off funds for the war. But the disconcerting fact is while we had the power to do this, we did not have the courage to use the power. That power has not diminished—for once this Congress did pass a fund cut off for the bombing in Indochina, the bombing was halted. If we had utilized our power 8 years earlier we would have saved the lives of thousands of American soldiers.

I believe that the import of this bill is to give the President warmaking powers that the framers of the Constitution never intended. This bill provides that in every instance the President shall consult with the Congress before introducing U.S. forces into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances. Next the resolution provides that in the absence of a declaration of war, and when the President sends U.S. Armed Forces into situations where there is imminent involvement in hostilities is clearly indicated he must submit a report to Congress stating the: First, circumstances necessitating the introduction of U.S. Armed Forces; second, the constitutional and legislative authority under which such introduction took place; and third, the estimated scope and duration of hostilities. Finally, the President would be required to remove the troops unless the Congress ratified his decision within 60 days.

There is no provision in our Constitution for this strange resolution and it is very late in the day to be amending that document by a back door folly.

Mr. MATSUNAGA. Mr. Speaker, as a sponsor of similar legislation, I am pleased to express my support for the conference report on House Joint Resolution 542, a resolution to clarify and define the warmaking powers of the President.

The gentleman from Wisconsin (Mr. ZABLOCKI) is to be congratulated, as are the other conferees on this legislation, on the compromise measure which they have brought back for House approval.

The essence of the resolution, Mr. Speaker, is a reaffirmation of the proper congressional authority in perhaps the most momentous issue ever to face any nation—that of peace or war.

The basic rule is that no American troops should be sent into combat without a congressional declaration of war or other statutory authorization, unless the United States or its forces is being attacked. In every case except when war is formally declared, the troops must be withdrawn within 60 days unless Congress specifically authorizes it. If Congress wishes to force the withdrawal of all troops before 60 days have passed, it can be done by concurrent resolution, without the consent of the President.

Mr. Speaker, some Members have noted the cloud of a possible Presidential veto which hangs over this legislation. I hope that those pessimists are mistaken. But this is an issue, I submit, where congressional interests surmount party interests. When a Democrat is elected to the White House in 1976, this legislation will still be needed. Perhaps it will be needed even more. I urge my colleagues, particularly those on the other side of the aisle, to consider what is best for America and our constitutional form of government. I urge the adoption of the pending conference report.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. MOSS. 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 238, nays 123, not voting 73, as follows:

[Roll No. 520]

YEAS—238

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Badillo
Bafalis
Barrett
Bergland
Bevill
Biester
Bingham
Blatnik
Boggs
Boland
Bowen
Brademas
Brinkley
Brooks
Broomfield
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Byron
Carey, N.Y.
Carney, Ohio
Carter
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Cohen
Collins, Ill.
Conlan
Conte
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dent
Dickinson
Diggs
Dingell
Dorn
Downing
Dulski
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Griffiths
Gross
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanrahan
Hansen, Wash.
Harrington
Harvey
Hastings
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Horton
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, Md.
McDade
McFall
McKinney
McSpadden
Macdonald
Madden
Mann
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Mezvinsky
Minish
Mink
Minshall, Ohio
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Patman
Pepper
Perkins
Peyser
Pike
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shipley
Shuster
Sisk
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Studds
Symington

Taylor, Mo.	Vander Jagt	Wilson, Charles, Tex.
Taylor, N.C.	Vanik	Wolff
Teague, Calif.	Veysey	Wright
Teague, Tex.	Vigorito	Wyman
Thompson, N.J.	Waldie	Yates
Thone	Whalen	Young, Ga.
Thornton	White	Young, Ill.
Tiernan	Widnall	Zablocki
Udall	Wilson, Charles H., Calif.	Zwach
Ullman		
Van Deerlin		

NAYS—123

Abdnor	Harsha	Passman
Abzug	Hechler, W. Va.	Patten
Arends	Hinshaw	Pettis
Bauman	Holt	Poage
Beard	Holtzman	Powell, Ohio
Bennett	Hosmer	Price, Tex.
Blackburn	Huber	Rarick
Bolling	Hudnut	Rhodes
Bray	Hungate	Roberts
Breaux	Hunt	Robinson, Va.
Breckinridge	Hutchinson	Roncallo, N.Y.
Brown, Ohio	Jarman	Roybal
Broyhill, Va.	Johnson, Pa.	Ruth
Buchanan	Jones, Tenn.	Scherle
Burgener	Keating	Schneebeli
Burke, Fla.	Kemp	Sebelius
Burleson, Tex.	King	Sikes
Butler	Kuykendall	Skubitz
Camp	Landgrebe	Slack
Casey, Tex.	Landrum	Spence
Clancy	Latta	Steiger, Ariz.
Collier	Lott	Stratton
Collins, Tex.	Lujan	Stubblefield
Conable	McCollister	Stuckey
Culver	McEwen	Symms
Daniel, Robert W., Jr.	Madigan	Talcott
	Mahon	Thomson, Wis.
Davis, Wis.	Maraziti	Towell, Nev.
Dennis	Martin, Nebr.	Treen
Derwinski	Michel	Waggonner
Devine	Milford	Walsh
Drinan	Miller	Wampler
Duncan	Mitchell, N.Y.	Whitehurst
Eckhardt	Mizell	Whitten
Fisher	Moorhead, Calif.	Williams
Flynt		Wilson, Bob
Ford, Gerald R.	Moss	Wydler
Frelinghuysen	Myers	Wylie
Goodling	Natcher	Young, Fla.
Green, Pa.	Nedzi	Young, Tex.
Grover	Nelsen	Zion
Hansen, Idaho	O'Brien	

NOT VOTING—73

Andrews, N.C.	Froehlich	Mitchell, Md.
Archer	Fuqua	Mosher
Ashbrook	Goldwater	Pickle
Ashley	Green, Oreg.	Podell
Aspin	Hammer-schmidt	Quillen
Baker		Reid
Bell	Hanna	Riegle
Biaggi	Hawkins	Rooney, N.Y.
Brasco	Hays	Sandman
Brotzman	Hébert	Satterfield
Brown, Calif.	Howard	Shoup
Broyhill, N.C.	Ichord	Shriver
Burton	Jones, Okla.	Snyder
Cederberg	Lent	Steed
Clawson, Del	Long, La.	Stephens
Clay	McClory	Stokes
Cochran	McCloskey	Sullivan
Conyers	McCormack	Ware
Crane	McKay	Wiggins
Davis, Ga.	Mailliard	Winn
Dellums	Mallary	Wyatt
Donohue	Mathis, Ga.	Yatron
Esch	Melcher	Young, Alaska
Evins, Tenn.	Metcalfe	Young, S.C.
Frey	Mills, Ark.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Clay against.

Mr. Brasco for, with Mr. Conyers against.

Mr. Andrews of North Carolina for, with Mr. Dellums against.

Mr. Podell for, with Mr. Stokes against.

Mr. Mitchell of Maryland for, with Mr. Satterfield against.

Mr. Hays for, with Mr. Hébert against.

Mr. Esch for, with Mr. Mailliard against.

Mr. Shriver for, with Mr. Young of Alaska against.

Mr. Riegle for, with Mr. Long of Louisiana against.

Until further notice:

Mr. Howard with Mr. Brown of California.

Mr. Mills of Arkansas with Mr. Mathis of Georgia.

Mr. Jones of Oklahoma with Mr. Young of South Carolina.

Mr. McKay with Mr. Winn.

Mr. McCormack with Mr. Wiggins.

Mr. Donohue with Mr. Ware.

Mr. Metcalfe with Mr. Del Clawson.

Mr. Hanna with Mr. Hammerschmidt.

Mr. Hawkins with Mr. Mallary.

Mr. Pickle with Mr. Cederberg.

Mr. Reid with Mr. Crane.

Mr. Steed with Mr. Shoup.

Mrs. Sullivan with Mr. Archer.

Mr. Yatron with Mr. Goldwater.

Mr. Ashley with Mr. Ashbrook.

Mr. Aspin with Mr. Frey.

Mr. Burton with Mr. Quillen.

Mr. Davis of Georgia with Mr. Baker.

Mr. Biaggi with Mr. Froehlich.

Mrs. Green of Oregon with Mr. Bell.

Mr. Fuqua with Mr. Cochran.

Mr. Melcher with Mr. Lent.

Mr. Evins of Tennessee with Mr. Brotzman.

Mr. Stephens with Mr. Snyder.

Mr. Sandman with Mr. Ichord.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE A REPORT ON H.R. 8346, TO ESTABLISH A NATIONAL INSTITUTE OF BUILDING STANDARDS

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on the bill, H.R. 8346, a bill to establish a national Institute of Building Standards.

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

There was no objection.

WATER RESOURCES DEVELOPMENT ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 590 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 590

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. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, 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 Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against sections 26, 27, and 93 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McFALL). The Chair recognizes the gentleman from Indiana, Mr. MADDEN.

Mr. MADDEN. Mr. Speaker, this legislation provides for the construction and the repair and the preservation of certain public works on rivers, lakes, and harbors for navigation; also flood control, and for other purposes, in order to protect the water supply and water transportation of the Nation. A very small number of the public realizes the serious situation that our water supply is in throughout the country, especially considering the fact that the useful water supply is rapidly decreasing because the population of this country is now more than 206 million people. Over the years there has been small concern regarding the perpetuation and protection of our future water supply.

Mr. Speaker, it is estimated that almost half of our water regions in this country need care on the part of the Federal Government, because the State and the local communities are not in any position to purify, protect, and expand existing water beds, rivers, and lakes.

The fresh water supply is rapidly decreasing annually, and, of course, I do not need to go into the fact that pollution in our lakes and streams is destroying our water supply, not only annually, but weekly and daily.

The Federal National Water Commission, from the standpoint of direction and supervision, are such leaders as Gov. Nelson Rockefeller, Chairman of the Water Conservation Commission. Senator MUSKIE is Vice Chairman, as is Congressman ROBERT JONES. Our former colleague, Senator JENNINGS RANDOLPH, Senator BAKER, Senator BENTSEN, Congressman BLATNIK, Congressman HARSHA, Senator BUCKLEY, and a list of our leading citizens are devoting their time for the preservation of our water supplies.

The committee under the leadership of Chairman STAGGERS and Subcommittee Chairman RAY ROBERTS of Texas have had 4 weeks of hearings on this legislation. The Corps of Engineers testified as to the cost and the economic justification, and many Members of Congress and Senators testified as to the provisions and necessity of this water protection legislation.

Mr. Speaker, House Resolution 590 provides for an open rule with 1 hour of general debate on H.R. 10203, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation and flood control.

House Resolution 590 also provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment and that the substitute shall be read for amendment by titles instead of by sections.

House Resolution 590 also provides that all points of order against sections 26, 27, and 93 of the substitute for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House of Representatives—prohibiting appropriations in a legislative bill—are waived.

H.R. 10203 authorizes the appropriations in the amount of $1,258,257,000. Of this total $478,257,000 is for water resource development and $780,000,000 is for the River Basin Monetary Authorization Act of 1973.

Mr. Speaker, I urge the adoption of House Resolution 590 in order that we may discuss and debate H.R. 10203.

Mr. LATTA. Mr. Speaker, I know of no opposition to this rule. It is a noncontroversial rule.

I would like to take just a few seconds to commend the committee for the action it has taken on this bill, particularly on section 54 thereof.

This section, which is to be cited as the "Shoreline Erosion Control Demonstration Act of 1972," authorizes a program to develop and demonstrate low-cost means to prevent and control shoreline erosion. The Secretary of the Army is directed to establish and conduct, for a period of 5 years, a national shoreline erosion control development and demonstration program, consisting of planning, constructing, operating, evaluating, and demonstrating, prototype devices, both engineered and vegetative. The program is to be carried out in cooperation with the Secretary of Agriculture, other Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established by the act.

Demonstration projects are to be undertaken at no less than two sites each on the shorelines of the Atlantic, gulf, and Pacific coasts, and of the Great Lakes.

A Shoreline Erosion Advisory Panel is established, to be composed of individuals who are knowledgeable with respect to shoreline erosion, to advise the Secretary of the Army on the program.

The Secretary is directed to submit an annual progress report and a final evaluation report to the Senate and House of Representatives Committee on Public Works. A total of $8,000,000 is authorized for the program.

The Rivers and Harbors Act of 1968 authorized the Secretary of the Army, acting through the Chief of Engineers, to conduct a national shoreline study. This study is now with the Congress. The committee intends to review the problem of shoreline erosion thoroughly. In the meantime, section 54 will provide a needed and logical extension of the study—the detailed investigation of types of solutions which may be feasible and economic—and will at the same time help to develop information of immediate use to those suffering damages from shoreline erosion.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL).

(By unanimous consent, Mr. O'NEILL was allowed to speak out of order.)

HOUR OF MEETING

Mr. O'NEILL. Mr. Speaker, I rise to announce that in view of the fact that the President is announcing his nominee for Vice President tonight, the House will meet tomorrow to be in position to receive his message.

Because of that, Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to meet at 10 o'clock a.m. tomorrow.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader why 10 o'clock in the morning? Why not call the session before breakfast?

Mr. O'NEILL. In reply to the inquiry of the gentleman from Iowa, let me state that in view of the fact that there will be no legislative business tomorrow, and that the Senate is coming in tomorrow at 9 o'clock, and because the message from the White House would be coming in at an early hour, that we have selected 10 o'clock, to meet.

Mr. GROSS. I am sure that because the other body is coming in at 9 o'clock the House ought to bend the knee, bow low, and also come in at 9 o'clock.

Mr. O'NEILL. The gentleman will not find me as one who ever bowed the knee to anyone.

Mr. GROSS. I withdraw my reservation of objection.

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

Mr. LATTA. Mr. Speaker, reserving the right to object—and I will not object—but I would like to take this opportunity to ask the distinguished gentleman from Massachusetts whether or not there will be any legislative business on tomorrow?

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, may I state to the gentleman that the answer is no, there will not be any legislative business.

Mr. LATTA. This meeting will be solely for the purpose of receiving a message?

Mr. O'NEILL. The gentleman is correct, it will be simply for the purpose of receiving the message. But I might add that there is always the possibility that a quorum call may be asked for, and consequently we would hope that a quorum would be on the floor.

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

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

There was no objection.

Mr. MADDEN. Mr. Speaker, I have no further 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. ROBERTS. 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. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

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

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. 10203, with Mr. ROSTENKOWSKI 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. ROBERTS) will be recognized for 30 minutes, and the gentleman from California (Mr. DON H. CLAUSEN) will be recognized for 30 minutes.

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

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I rise to commend the distinguished chairman of our Water Resources Subcommittee, the gentleman from Texas (Mr. ROBERTS), for the outstanding job he has done in bringing H.R. 10203 to the floor. I wish also to extend my appreciation to the ranking minority member of the full committee, the gentleman from Ohio (Mr. HARSHA), and to the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. DON CLAUSEN), for their very able assistance and cooperation on this bill. This is an excellent piece of legislation representing the many weeks spent by the subcommittee and its staff in hearings and in the thorough and careful consideration of the individual projects and legislative items.

This bill contains many significant items which will be discussed in detail by the gentleman from Texas. One of the items which I find particularly significant, coming as I do from the Great Lakes area, is section 54, the Shoreline Erosion Control Demonstration Act of 1973. This country is suffering extensive damages from erosion of the shores on its coasts and on the Great Lakes. This section directs the Corps of Engineers to conduct for 5 years a national shoreline erosion control development and demonstration program, to consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and

vegetative. Demonstration projects will be undertaken on the Atlantic, gulf, and Pacific coasts, and on the shores of the Great Lakes. The demonstration projects are to emphasize the development of low-cost shoreline erosion control devices. The 5-year program is the first comprehensive effort to find practical and affordable methods of controlling shoreline erosion. The results of the program will be reported to the Congress and the Congress will then have the information it needs to solve this national problem.

I might also point out that there is another provision in the legislation, section 55, which authorizes the Corps of Engineers to provide technical and engineering assistance to non-Federal public interests in developing structural and nonstructural methods of preventing damages attributable to shore erosion.

I am also pleased to note the following provisions which are of particular interest to my State of Minnesota.

Authorization of a flood protection project for Rochester, Minn.—Zumbro River Basin.

Authorization of a survey study of the East Two Rivers between Tower, Minn., and Vermillion Lake.

An extension of the demonstration program for extending the navigation season on the Great Lakes until December 1976, and an increase in funding to $9,500,000.

Authorization of a study of the feasibility and practicality of constructing a hydraulic model of the Great Lakes and an associated technical center in the vicinity of Duluth, Minn.

Amendment of the Corps of Engineers emergency authorities to permit the Corps to provide emergency supplies of clean drinking water on a temporary basis to any community which is confronted with a source of contaminated drinking water likely to cause a substantial threat to the public health.

A provision concerning the acquisition of fish and wildlife lands at the Cache River project in Arkansas which provides that the authorization for the fish and wildlife lands will only take effect if approved by the court which has before it the Cache River litigation. This will give the States on the Mississippi Flyway, including the State of Minnesota, an opportunity to make their views on this matter known to the court and get a judicial resolution.

Authorization of the necessary measures to correct the design deficiency in the Knife River Harbor on Lake Superior, Minn.

I urge passage of H.R. 10203.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, I rise to commend the gentleman from Texas (Mr. ROBERTS) on the excellent job that he has done as chairman of the Subcommittee on Water Resources in bringing H.R. 10203 to the floor. I also wish to commend the entire membership of the subcommittee for the legislation which they recommended to the full committee.

This bill contains new authorizations for water resources development projects which are needed to meet pressing water resources needs in various parts of the country. It also contains many provisions designed to improve this Nation's water resources development program.

It is of the utmost importance that a new emphasis be placed on the development and implementation of this program in order to meet the future needs of this country. I am convinced that unless this is done, our Nation will face a major crisis in its water supply. If present trends continue, whole regions of the country will find themselves without sufficient water of the proper quality to support the livelihood of their inhabitants.

This potential crisis, however, seems to arouse relatively little concern. While the threat of an energy shortage has received great attention, the equally serious threat of a water shortage goes unnoticed.

This lack of notice is due, in large measure, to the abundance of natural supplies in many regions and to the success of past water resource developments in shielding us, most of the time, from the harmful effects of droughts and inadequate supplies. But growing population and economic activity continue to press against the supplies we have developed.

On a gross-quantity basis, the total amount of water available in our country is ample for foreseeable needs for domestic use, industry, agriculture, recreation, fish and wildlife, and other beneficial purposes. The problem is that the Nation's water supply is not uniformly distributed in time or place. We are continually faced with damaging excess supply in time of flood and equally damaging shortage in time of drought. The coming crisis will not be one of total quantity, but one of gathering, storing, and delivering water where and when it is needed.

The scope of the country's future water needs was presented in the First National Assessment prepared by the Water Resources Council. It projected requirements for withdrawal uses in 2020 to be five times those in 1965. Consumptive uses were projected to be twice those of 1965.

The continuing fall in the birth rate will not end the pressures on our water resources. Even if the birth rate were to continue its decline—and it is by no means certain that it will—our population would not stabilize until after the end of the century. Even the lowest population projections show 40 to 50 million more people in the United States by the year 2000 than there are now.

Studies for the Commission on Population Growth and the American Future, in particular, indicate how pressing future demands for water will become. The Commission made studies to determine future water needs under varying assumptions as to population and economic growth. Its studies indicate that even with low population and economic growth, water deficiencies can be expected in 8 of the 22 water regions in the United States by 1980 if water resources development does not adequately continue. By 2020, deficiencies will exist in 12 regions under low-growth assumptions and in 16 under high-growth assumptions if we do not proceed with an orderly program of development.

We must act today to avert the coming crisis, since the lead time between decision to act and on-line operation of facilities is long—often 10 to 15 years.

We must be prepared to make the financial investments necessary to avert future water shortages and we need to take a broader view of regional water resource development. A new and fundamental emphasis must be placed on planning and implementing programs to assure the continued availablity of water to our Nation.

We must plan for a vigorous economy and healthy growth for our Nation, and not allow complacency, shortsightedness, or neglect to bring the impending crisis upon us.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in strong support of H.R. 10203. I want to certainly compliment all of the members of the committee who worked diligently in the development of this bill. Particularly, I want to compliment the staff and our chairman of the Water Resources Subcommittee, the gentleman from Texas (Mr. ROBERTS). He provided strong leadership in bringing this bill through the committee and to the floor here today.

Mr. Chairman, I believe I will leave it to others to make a detailed presentation of the details of most of the specifics of the legislation. They are adequately presented in the committee report which is before us.

It would be my intent here today to first address myself directly to an item that caused the President to veto the rivers and harbors bill last year and then to briefly review three other sections.

It is not my intent to duck the question of a veto in any way, because it did cause some concern and consternation on the part of many Members of this House.

Last year the President criticized the Congress for excessive spending. Because of the Presidential concern for spending and the large deficit in the budget and concern over inflationary pressures, last year's omnibus bill, like a number of others, was not supported by the President.

I would like to point out that we have made significant changes in this legislation, changes which can have significant impact on the cost and inflationary pressures. Large new projects included in section 1 of this bill, most of which have the administration's recommendation, are now authorized for the design stage only. Thus, decisions on the costly construction stage will be made in the future after the design is fixed, the cost estimates have been refined and the benefits have been studied in more detail. This is wise and not inflationary.

In addition to the question of budget and inflationary pressures, I must point out that section 80 of this legislation could be the basis for a recommendation to the President by OMB that H.R. 10203 be vetoed. I certainly hope this will not be the case. As discussed by the chairman of the subcommittee, section 80 enacts into law the interest rate formula used in the formulation and evaluation of water

resource projects as established by the Water Resources Council in 1968. As we wrote on page 120 of the committee report, section 80 "does not in any way preclude the President or the Water Resources Council from submitting to the Congress alternative legislative proposals for an interest rate formula."

The committee feels that the precipitate changes in the formula for determining the discount rate which has to be applied to Federal and federally assisted water resource projects which were recently approved by the President could place long-range water resources needs in jeopardy. We felt strongly about this and wanted to provide time for further study and evaluation. We are concerned because the discount rate is one of the most important elements used in determining the benefit-cost ratio of public works projects. In 1965, the authority to determine these rates was delegated to the Water Resources Council and the President. The formula adopted by the Council in 1968 was based on the yield rate of marketable securities which at the time of computation have 15 or more years remaining to maturity. The current rate on this basis is 5⅝ percent. This past September, the Council announced higher discount rates, established initially at 6⅞ percent and which may vary by one-half of 1 percent per year, based on the average yield of all interest bearing marketable securities of the United States outstanding at the fiscal year preceding such computation.

Let me emphasize that I and the rest of the committee will work closely with the administration to develop an alternative method for the evaluation of projects. Section 80 is intended not to freeze permanently the formula established in 1968, but rather to provide the necessary time for the administration and the Congress to work out a method for evaluating new projects. We expect that there will be full cooperation and consultation in this matter between these two branches of Government. However, the committee does feel strongly that Congress must play a role in the establishment of principles and standards for water resource development.

Let me repeat, I do not believe this bill should be vetoed by the President. If it were vetoed, I believe it would reflect a misunderstanding of the intent of the committee and the Congress. The bill is not inflationary; there are controls to make sure that it does not have an undesirable impact on the budget; and the provisions in section 80 are there simply to provide time for the Congress and Executive to work out mutually acceptable standards for new project evaluation.

As I stated earlier, in addition to section 80 I would like to comment on a few other sections.

As I pointed out in my supplemental views in the report on this bill, there are special sections in the bill which break new ground and should be discussed in depth.

I will not detail them as fully today as I did in the report but I believe every Member should be fully aware of them as we consider this legislation.

Fish and wildlife enhancement policies to date have been, at best, adequate. With the enactment of H.R. 10203 we can move ahead from the concept of mitigation of fish and wildlife damages to enhancement of these resources when affected by a project.

Similarly, the emphasis in the future can be on nonstructural alternatives to flood control and water conservation problems. This will have both an economic and environmental impact on planning practices.

The deauthorization procedure and the new project authorization process in two phases are strictly procedural but they will have an impact on future projects that will be most beneficial by increasing the ability of the Congress to review proposed projects.

I think it is important for us to recognize clearly that the provisions for fish and wildlife enhancement, nonstructural alternatives for flood control, and the new deauthorization procedure, as well as the new procedure for project authorization discussed by Chairman Roberts and discussed by me earlier are clear indicators that we as a nation, we as a Congress, and we on the Public Works Committee clearly recognize that we are moving in a different direction. We are moving from past policies of full scale exploitation of our resources to a sophisticated, technological effort to make certain our renewable resources are retained forever so as to enable them to supply and sustain our economic, social, and environmental needs in a way that will insure their retention as nearly as possible in their natural state.

The committee recognizes that to consider the issues involved with the narrow vision of development only or preservation only is to ignore the possibility that both goals can and must be achieved through farsighted balancing of the opportunities available to us.

H.R. 10203 moves in the direction of a balanced economic and environmental approach. The economic and engineering considerations that once were the most dominant factors were inadequate in scope in that environmental factors were not given equal consideration and weight in the overall project evaluation process. The guidelines, procedures, and methodology for evaluating projects had not kept pace with the changing attitudes of our people. Now, however, the committee has recognized the need for review of alternatives and for the consideration of environmental factors. Further, the new project authorization process will mean that congressional approval will be based upon calculations rather than estimates. Decisions on construction of projects will now be based upon detailed information and data. Facts rather than estimates and predictions will be the basis for project construction.

Above all, in discussing technical points and procedures it is important not to forget the most important factor in our decisions—people.

There are thousands of people in this country whose lives and livelihoods have been destroyed or damaged by floods. Thousands have been killed and hundreds of thousands have been hit by flooding, wiping out the gains they have made during their lives.

All of us are dependent upon adequate water supplies for our material goods, particularly food. And we must consider people who produce the items we as consumers want to buy.

So we must plan our water resources projects very carefully. We must plan them in a way that takes into consideration every relevant factor. We must plan them in a way that permits us to know every relevant fact. And we must plan them on a comprehensive basis so they meet the public interest and help achieve public goals.

In our planning we are moving from past policies of full-scale exploitation of our resources to a sophisticated, technological effort to make certain our renewable resources are retained forever so as to enable them to supply and sustain our economic, social, and environmental needs in a way that will insure their retention as nearly as possible in their natural state. We need to recognize, however, that each river may have different characteristics. We would be well advised to inventory and classify rivers in two basic categories: First, The natural river system would be retained in its natural state; second, the managed river system would have a comprehensive river basin plan adopted that would consider the total environment and advance a program to revitalize the river system, provide flood control, water conservation, and improve the quality of the water and the watershed. The watershed conservancy approach should be considered and advanced as an objective concept.

To consider the issues involved with the narrow vision of development only or preservation only is to ignore the possibility that both goals can and must be achieved through farsighted balancing of the opportunities available to us.

This bill moves in the direction of a balanced economic and environmental approach.

I believe H.R. 10203 meets our needs and I urge its support and enactment.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California, and compliment him on his leadership on this issue.

Mr. KEMP. Mr. Chairman, I believe passage of the legislation we are considering today will mark a turning point in protection and utilization of our waterways and shorelines.

My distinguished colleagues and friends, Mr. ROBERTS, of Texas, chairman of the Water Resources Subcommittee, and Mr. CLAUSEN, of California, ranking minority member of that subcommittee, and other subcommittee members—and the staff of the Committee on Public Works are to be commended for their efforts in developing this bill. I know that both members and staff worked closely with environmental organizations and encouraged the use of a panel of environmentalists made up of able individuals from national organizations and informed witnesses from various regions of the country to develop the bases on which this legislation's text rests.

Many times in the past I have spoken out against the indiscriminate use of the dam-and-dredge method of flood control which can too easily disrupt lives, homes, environment, and wildlife at immense social and economic cost to the taxpayer. It is encouraging to those of us who have worked for more environmentally oriented methods of flood control that a section of this bill recognizes such nonstructural alternatives to dam-building and massive channelization as acquisition of flood plain lands for fish, wildlife, and recreation; flood plain regulation; floodproofing of structures; and relocation.

Earlier this year I gave testimony to the Water Resources Subcommittee on behalf of the inclusion in this bill of remedial flood control measures which would be used in connection with such a specific ecologically oriented alternative to big dam building—the construction of a grass-lined diversion channel along Ellicott Creek in my district that will provide both environmentally sound flood protection and make available additional recreational facilities.

I am pleased that these remedial flood control measures have been included in the Water Resources Development Act along with another section on which I testified—a wastewater management study of the Buffalo River Basin, N.Y., a basin which includes the entire Buffalo metropolitan area.

This wastewater management study will have a strong impact upon one of our most critical areas of pollution—the Great Lakes. The Buffalo River has been described as "the worst polluted river in the country" and our goal of a clean Lake Erie will never be achieved until this river is restored.

The Water Resources Act includes a number of important sections which represent vital progress in water resource conservation and flood control. These include:

A funding increase for the Corps of Engineers to identify flood plain areas and to provide technical and planning guidance to local, State, and other Federal agencies;

An amendment to the Federal Water Project Recreation Act to increase the Federal share of costs allocated to fish and wildlife enhancement from 50 to 75 percent;

An authorization to the Corps of Engineers to study the construction and operation of a hydraulic model of the Great Lakes and connecting channels and an associated technical center;

An authorization of an additional $3 million to continue a program to demonstrate the practicality of year-round navigation of the Great Lakes and St. Lawrence Seaway. This is a program I have strongly supported:

A 5-year, $8 million development and demonstration program for controlling shoreline erosion with demonstration projects to be undertaken at no less than two sites each on the shorelines of the Atlantic, gulf, and Pacific coasts, and of the Great Lakes.

Those of us representing districts which border on the Great Lakes know the devastating effect that erosion caused by high water levels has had on lakeshore properties. This section, the "Shoreline Erosion Control Demonstration Act of 1972," will help develop information of immediate use to those suffering damages from shoreline erosion.

Mr. Chairman, I urge my colleagues to join me in voting for the Water Resources Development Act of 1973. This is an outstanding piece of legislation and I believe it deserves our strongest support.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 10203, and wish to express sincere thanks on behalf of myself and my northern Virginia constituents to my distinguished colleagues on the Committee on Public Works, and especially the gentleman from Texas (Mr. ROBERTS) and the gentleman from California (Mr. DON CLAUSEN), for including as section 84 of this act the long-delayed and urgently needed flood control project on Four Mile Run, in the city of Alexandria and Arlington County, Va.

In 1965, after the second of many devastating floods along this normally almost dry creek bank, I appeared before the Committee on Public Works to urge that the Army Corps of Engineers be directed to proceed with the study, survey, and planning of this project in spite of original corps estimates that its benefits would not justify its costs. I pointed out that I felt the corps had overlooked a big factor in determining the frequency of floods in a developed area like northern Virginia, that the construction of the impervious covering in paved areas upstream due to tremendous development of housing and other facilities had rendered useless the estimate of runoff normally applied to streams of similar size to Four Mile Run.

Fortunately, the committee members agreed, and the Four Mile Run project was authorized. Unfortunately, the progress of the projects has not been smooth in the intervening years, and the action we are taking today is necessitated by still further drastic increase both in runoff and in the cost of the project needed to solve the problem.

The floods along Four Mile Run have come with increasing frequency, and the $16 million project estimated originally would cover the costs of controlling them had soared to $50 million after tropical storm Agnes demonstrated the need for increased channel capacity to handle greatly increased flows.

I am grateful that my committee colleagues, realizing the urgent need for this project, did not take the easy way out and abandon the Four Mile Run project. Instead, they called in all concerned parties to reexamine the scope, cost, and cost-sharing problems involved and, as a result, came up with a revised project which will furnish needed protection and still save the Federal Government $12 million in its contribution to the project.

Under the new plan Arlington County will contribute $500,000, the city of Alexandria one-half the cost of certain channel work, estimated at $1,500,000, the R.F. & P. Railroad $500,000, and the Federal share will be approximately $29,981,000.

Mr. Chairman, delays, as I mentioned before, have been costly in connection with the Four Mile Run project. In the interest of economy it has been delayed more than once by the executive branch, and the cost in damage to persons and property is impossible to describe in dollars and cents, although it is roughly estimated in the hundreds of thousands in each flood, which occur as often as twice a year. The people of northern Virginia have been patient and long-suffering through these many delays in a project first requested after the major disaster in 1963. In their behalf I want again to express gratitude to our committee colleagues for recognizing both the need and the urgency, and for recommending completion of this project as a part of H.R. 10203. I sincerely urge all Members of this House to act favorably on their recommendation, so that needless suffering by those along Four Mile Run will not be continued in the years to come.

Mr. DON H. CLAUSEN. I thank the gentleman.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman from California yielding.

I want to express my pleasure over sections 54, 55, and 56, those provisions of the legislation which deal with shoreline erosion control. This is a matter as to which I know the Committee on Public Works and particularly the gentleman from California have played a significant role, with respect to making this possible.

On behalf of those like myself who represent areas bordering the Great Lakes I want to express appreciation. It is of great significance to have the shoreline erosion control demonstration projects authorized by the bill.

I merely want to commend the committee for recognizing this very critical problem in areas like the Great Lakes and for authorizing this work to begin. It needs to be done. It needs to be done now.

Mr. DON H. CLAUSEN. I thank the gentleman.

The committee in its wisdom, based on a hearing held in the Great Lakes area, was convinced that the shoreline erosion problem and the streambank erosion problem were of national significance. We intend to do what we can to focus attention on this, and we hope to come up with proposals to get the job done.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I should like to take this opportunity to congratulate the gentleman in the well, Mr. DON H. CLAUSEN, and the distinguished chairman of the subcommittee, Mr. ROBERTS, as well as the whole

Committee on Public Works, for the inclusion of the funding of the Charles River watershed project in this legislation. We in Massachusetts in the Charles River area have felt the imminence of floods almost every spring. For the first time a new and innovative flood prevention approach is going to be tested, after a well-documented study by the Corps of Engineers. The fact that this approach has seen fit to be included in this legislation gives us the promise of an answer to the need to control floods or to prevent them in the future, not only in the Charles River area but also throughout the country.

I congratulate the gentleman and the committee.

Mr. DON H. CLAUSEN. I thank the lady from Massachusetts for her kind comments.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Chairman, on June 13, 1973, I testified before the Water Resources Subcommittee of the House Committee on Public Works regarding my bill, H.R. 5969, which would repeal the authorization of the Lafayette Dam and Reservoir. The chairman, the Honorable RAY ROBERTS, indicated that there would be no individual deauthorization in the Water Resources Development Act but that the act would set up a general deauthorization procedure.

Such a procedure is contained in H.R. 10203 and I take this opportunity to express a sincere thank you to Chairman ROBERTS and the members of the Water Resources Subcommittee.

I must, however, strongly object to the provisions in the bill regarding the interest rate formula to be used for discounting future benefits and costs in arriving at the benefit/cost ratio. Allowing no changes from the "1968" interest formula is bad enough. But particularly appalling is the provision allowing no change in the discount rate used to compute the benefit/cost ratio of projects authorized before January 3, 1969. What justification is there for such a provision? One of my biggest objections to the construction of the Lafayette Dam and Reservoir in my district is that the cost estimates have risen so rapidly that they now far outweigh the benefits. It appears that the response of Congress to evidence that a project is uneconomical, is to simply lock discount rates into place so that uneconomical figures cannot be arrived at.

This amounts to saying that if a project is not economically justified, we will simply ignore and evade that fact by redefining the figures.

This places Members such as myself in a difficult situation. If we want a project in our district deauthorized, we must vote for this bill which contains a general deauthorization procedure. On the other hand, if we vote for this bill and it becomes law, the uneconomical projects we want deauthorized will—through some tricky manipulation of discount rates—magically appear to be of great economic benefit, making it just that much harder to get them deauthorized.

However, considering the generous interest and support of the members of the Public Works Subcommittee on Water Resources, and staking my hopes on their continued support of my determined efforts to deauthorize the Wildcat Reservoir proposed in my district I shall vote affirmatively on this bill.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Oregon.

Mr. DELLENBACK. I appreciate the gentleman's yielding. I want to take just a moment to commend the members of the subcommittee for what I believe is a very sound move so far as title I is concerned. Instead of moving to a full authorization on major projects, this represents giving some very innovative thinking to the question of whether or not this type of thing should be done in several stages. It seems to me the subcommittee in this particular regard has made a very constructive move so far as the congressional authorization of projects like this is concerned.

I commend the ranking minority Member and I commend the chairman of the subcommittee, Mr. ROBERTS, for that kind of an approach.

There was a particular project which was desperately needed in an area of my State, and I had hoped we would be able to have that included. I understand the subcommittee has studied it carefully. I hope at some time in the future we will be able to deal with it.

Irrespective of these individual projects, it is this change in policy for which I believe the committee deserves particular commendation. I commend the gentleman from Texas (Mr. ROBERTS), the gentleman from California (Mr. DON H. CLAUSEN), and the other members of the subcommittee for this kind of recommendation.

Mr. DON H. CLAUSEN. I thank the gentleman for his remarks. The primary reason for the move in this direction has been, hopefully, to avoid some of the criticism of projects that has taken place in the past.

Mr. Chairman, we feel that much of the criticism has been based upon incomplete information, and based upon the very limited feasibility studies which have been made. As a result of section 1 of this bill, we now believe we will be able to give not only consideration to the economic and engineering factors involved, but more consideration to the environmental factors during the advance engineering stage prior to committing ourselves to the construction stage.

I think I should also emphasize that the committee clearly recognizes that the authorization for the undertaking of the phase I design memorandum stage of advanced engineering and design does not in any way guarantee that construction will be authorized. Rather, this new procedure will allow the Congress to make more informed decisions regarding construction authorizations. More detailed information and data will be available, facts rather than estimates and predictions will be the basis for decisions.

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

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I rise in support of this bill. I believe it contains very important provisions for the Nation. I believe it represents a major gain for people who are concerned with progress as well as with the environment.

The committee has adopted a new and responsible procedure for approving major water resources projects.

No longer will we walk blindly into authorizing projects which may become environmental nightmares. Initial authorizations are given to phase I design and advanced engineering studies. After completion of these studies, projects will be considered for authorization through to completion based upon phase I findings.

Another important environmental success contained in H.R. 10203 provides that nonstructural alternatives are to be considered for flood control projects. Rather than building dams, such an approach includes flood-proofing of structures and flood plain acquisition for recreation, fish, and wildlife. I commend the distinguished chairman of the Public Works Committee (Mr. BLATNIK) and the chairman of the Water Resources Subcommittee (Mr. ROBERTS) for their foresight and their efforts on behalf of the environment.

This bill, Mr. Chairman, is also significant for the people of my district and the entire New York metropolitan area.

First, it provides for the relief of the Rockaway beaches in Queens, N.Y., which are in serious danger of destruction through erosion. At high tide, the surrounding roadbeds, powerlines, sewage systems, and the boardwalk are threatened. At low tide, there is a 10-foot drop, in some places, from the last step of the boardwalk to the beach. The city of New York had to close 25 blocks of beaches to the public this summer.

The existing Rockaways project combines beach erosion control with hurricane-flood protection. Because of planning delays with the hurricane-flood protection portion, work on beach erosion control could not begin. This provision directs the Corps of Engineers to proceed immediately with beach erosion control independently of the hurricane flood-protection aspect of the project.

I have been assured that the Corps will complete beach erosion planning by the spring. It will be able to construct the project as soon as appropriations are available, which I hope will be soon. Mr. Chairman, this provision will be most welcome by all of the people of the New York City metropolitan area—particularly those of low and moderate income—who rely on the beaches for recreational activity.

A second project of immeasurable importance to the metropolitan area is the provision in H.R. 10203 which provides for the collection and removal of drift and sunken and abandoned vessels from New York Harbor.

This section modifies an existing project which was made subject to the ap-

proval of the President and the Secretary of the Army. That approval requirement is removed since this approval was never given and the project was never implemented. Up to $14 million is authorized for the project, a figure which is less than half of the total $39 million cost of the program.

Mr. Chairman, this measure is vitally necessary for both commercial and health reasons. Damage to private and public shipping in the harbor exceeds $5 million annually. Over the past 7 years, New York City has spent over $14 million in the removal of 40 deteriorated piers, a source of debris. Furthermore, health problems are created when debris jams the tide gates permitting the intrusion of salt water into the sewerage system at high tide, and causing raw sewage to wash out into the harbor when the tide goes out.

As a member of the public works committee, I am pleased to be associated with this legislation, both for its environmental advances and because of its benefit to the New York City metropolitan area.

I urge my colleagues to support H.R. 10203.

Mr. ROBERTS. Mr. Chairman, on behalf of the Public Works Committee, I am proud to bring to the floor for consideration H.R. 10203, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, as amended.

Title I of the bill includes water resources development project authorizations similar to those found in the River and Harbor and Flood Control Acts which have been passed in recent years. The new title—Water Resources Development Act of 1973—reflects a reorganization of the committee in which the Rivers and Harbors and Flood Control Subcommittees were combined into one Water Resources Subcommittee. It also removes an unnecessary distinction between flood control and navigation projects. Both are truly water resources development projects.

A total of 20 projects is contained in sections 1, 2 and 3 of title I with a total Federal cost of $27,354,000. The projects are located in 15 States and cover all types of projects within the province of the Corps of Engineers. The other provisions in title I involve project modifications and items relating generally to the Nation's water resources program.

Each project in this bill and all of the legislative provisions were examined carefully. The Subcommittee on Water Resources heard extensive testimony from Members of Congress, the Corps of Engineers, local citizens, an environmental panel, and other people interested in the development and conservation of the Nation's water resources.

This bill contains many significant provisions. One of the most significant is the establishment of a new procedure for authorization of major water resources development projects. These projects are authorized only through what is called the phase I design memorandum stage of advanced engineering and design. This is the first stage of post-authorization planning, prior to commencement of construction, when the original project plan is reviewed and brought up to date, the final environmental impact statement is prepared, and the final decisions are made as to the precise nature of the project to be built.

The committee has adopted this change in procedure because of its growing concern over the major changes that often take place in projects between the time a project is first authorized and the time detailed plans are prepared for construction. This new authorization procedure will give the Congress the opportunity just prior to construction to examine and affirm or modify any changes which may have taken place in a project.

The bill contains many other new and important provisions. It establishes a uniform procedure for deauthorization of projects. Under this procedure, the Secretary of the Army will annually submit to Congress a list of projects he has determined, after study and coordination with local interests, should no longer be authorized. After 180 days the projects become deauthorized unless the House or Senate Public Works Committee passes a resolution to the contrary. This will provide an orderly and efficient means of reducing the large backlog of old projects which do not meet present day criteria.

Another very important provision of the bill is one which directs Federal agencies to consider nonstructural alternatives when planning flood control projects. This provision will encourage the wise use of flood prone lands, the preservation of open spaces, and the preservation and enhancement of the environment. In fact, the committee has included three projects in the bill which incorporate nonstructural alternatives—acquisition of natural storage areas in the Charles River Basin in Massachusetts, relocation of the inhabitants at Prairie du Chien, Wis., and flood plain acquisition for park purposes at the Chatfield Dam project in Colorado.

Tremendous damages are being suffered by our people because of shoreline and riverbank erosion. There are many provisions in the bill concerning this problem, including authority for the construction of small emergency projects, studies of the causes of erosion, provision of technical assistance to local governments, and studies and pilot projects to develop low cost means of protection.

The bill will encourage the provision of fish and wildlife enhancement at water resources projects by increasing the Federal share from 50 to 75 percent. The committee is concerned that too much emphasis has been placed on the concept of mitigation of fish and wildlife losses caused by a project, rather than on realizing the full potential of the project for fish and wildlife enhancement. This emphasis on mitigation has been encouraged by the fact that mitigation is 100 percent Federal cost, while enhancement is 50 percent Federal. The committee wishes to encourage the provision of fish and wildlife enhancement through the raising of the Federal share.

The bill also authorizes a comprehensive plan to satisfy the water and related resources needs of the Potomac River Basin and the water supply needs of the Washington metropolitan area. The plan consists of three interrelated elements.

It authorizes the Verona and Sixes Bridge dams, but only for phase I of advanced engineering and design. At the same time it directs two studies to be carried out concurrently. One is the construction and evaluation of a water treatment plant to determine if the Potomac estuary may be used as a source of water supply. The other is a review study of the entire basin, including consideration of alternatives to the dams. The committee feels strongly that this three element plan is the best means of securing the necessary information needed to arrive at a decision as to what must be done to meet the water and related resources needs of the Potomac Basin and the Washington metropolitan area. In no event will the Verona and Sixes Bridge projects be authorized for construction until the committee is satisfied, based on the results of these studies, that they are necessary.

Another important and precedent setting provision is the authorization of the restoration of Dyke Marsh on the Potomac River south of Alexandria. This was once a haven for wildlife which has been destroyed by sand and gravel dredging activities. This provision could well herald the restoration of our wetland marsh areas which once sheltered and harbored fish and wildlife and served as an essential link in their food and reproductive chain.

There is one last provision of the bill which I would like to discuss. This is the provision which enacts into law the discount rate formula used to evaluate water resources projects and established by the Water Resources Council in 1968. This formula is about to be changed. A new one has been proposed by the Council and approved by the President, and will become effective soon unless changed by the Congress. The immediate result of this new formula would be to raise the discount rate from 5⅝ to 6⅞ percent. Less than half of the Corps of Engineers' active authorized projects would remain justified at this new interest rate.

The committee feels strongly that Congress must play a role in the establishment of principles and standards for water resources development. When Congress delegated this responsibility to the Council and the President in 1965, it expected that there would be full cooperation and consultation. That has not been the case.

In spite of offers of cooperation by this committee, the new principles and standards were announced without any prior cooperation or consultation with the committee. It is now necessary that the Congress reassume its traditional role of determining the methods of project evaluation, a role which the Congress delegated to the Council in 1965 in the Water Resources Planning Act.

This does not in any way preclude the President or the Water Resources Council from submitting to the Congress an alternative legislative proposal for an interest rate formula. We stand ready to cooperate in the consideration of any

reasonable proposal which would not jeopardize the long-range water resources needs of the Nation.

I am, as always, deeply appreciative of the splendid leadership of the chairman of this committee, the gentleman from Minnesota (Mr. BLATNIK) and the cooperation given by the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. DON H. CLAUSEN).

Mr. Chairman, I have received a number of questions from the gentleman from Washington (Mr. MCCORMACK) concerning section 83 of the bill, which authorizes the relocation of the town of North Bonneville, Wash. These questions, together with my responses, follow:

Q. Does this provision allow the Corps of Engineers to furnish financial and technical assistance to the Town of North Bonneville in the planning stages of town relocation?

A. Yes, it will allow the provision of such assistance.

Q. Does this provision imply or require in any way that the Corps of Engineers would proceed with planning and relocation of the Town of North Bonneville without close consultation and communication with the Town and residents?

A. No, it does not. It is normal Corps policy to cooperate with local interests in matters such as this.

Q. At this time, the Corps is, at my request, working and participating in a planning group consisting of non-Federal interests in planning for the relocation of the Town. Does this provision foreclose on any continued cooperation of this nature?

A. No, it does not.

Q. Without section 83, is the Corps obligated to cooperate in the pre-relocation planning effort with the Town?

A. No, it is not.

Q. Without this provision, can the Corps construct a new sewage collection and treatment facility in the relocated town?

A. No, the Corps would have no authority.

Q. Without this provision, is the Corps authorized to provide any financial assistance in planning or relocation of the Town?

A. No, the Corps would not have any such authority.

Q. Without this provision, is the Corps obligated to deal with the Town of North Bonneville in any other way than is already mandated by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970?

A. No, it is not.

Mr. CLEVELAND. Will the gentleman yield to me?

Mr. ROBERTS. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I would like to express my appreciation to the able gentleman from Texas and the staff of the subcommittee for the cooperation they have given me in connection with four important matters in this bill that you described in some detail, so for that reason I will not.

As you know, for several years we worked on this deauthorization section and on the language. I think we have good and workable language in the bill now.

I am also appreciative of the gentleman and the staff working out the section on the nonstructural alternatives for flood control which the gentleman so ably described.

In addition to that, the increases for riverbank improvements to meet the rising cost of these projects and the erosion studies for dams on the Connecticut River are very much appreciated.

Mr. ROBERTS. I thank the gentleman from New Hampshire very much for his kind remarks. The gentleman from New Hampshire is a very valuable member of the committee and the subcommittee. He is the member who first brought to the committee the idea of a general deauthorization of old and outdated projects. These deauthorizations will save millions of dollars.

Mr. Chairman, I yield such time as he may consume to the gentleman from California, Mr. JOHNSON.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of H.R. 10203, the Water Resources Development Act of 1973.

I wish to commend the chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. BLATNIK), the chairman of the Subcommittee on Water Resources, the gentleman from Texas (Mr. ROBERTS), the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the subcommittee, the gentleman from California (Mr. DON H. CLAUSEN), for the fine job they and the other members of the Public Works Committee have done in bringing this bill to the floor.

This bill confirms the well-deserved reputation of the committee for developing legislation which is well thought out and thoroughly considered. The projects in this bill will meet the water resources needs of many regions of the country for flood control, navigation, recreation, fish and wildlife enhancement, and water supply. The bill also contains many provisions which will significantly improve the performance of this Nation's water resources program.

I would like to point out several sections of great importance to my district and to the State of California.

Section 45 is a much needed amendment to section 252 of the Disaster Relief Act of 1971. It allows for States to be reimbursed for costs incurred in obtaining substitute services during the period of repair, restoration, reconstruction, or the replacement of facilities as a result of a disaster.

Section 36 of the bill clarifies section 222 of the Flood Control Act of 1970 in order to allow for roads to be built in connection with the Auburn Dam project.

Section 8 of H.R. 10203 authorizes the Chief of Engineers to operate and maintain the San Francisco Bay-Delta model in Sausalito, Calif. This model will be instrumental in conducting studies which affect the environmental quality of the region.

Title II of the bill contains a provision for the second phase of bank erosion control works and setback levees on the Sacramento River. This river is of great importance to the economic well-being of the entire Sacramento Valley, and this bank stabilization and erosion control project will help maintain the integrity of the entire Sacramento River Flood Control project.

Title II also contains further authorization for much needed projects in the San Joaquin River Basin.

I particularly would like to call attention to section 54, "the Shoreline Erosion Control Demonstration Act of 1973." Mr. Chairman, this is an innovation attempt by the committee to find devices both man-made and natural which will protect and preserve our national shoreline. This section specifically directs projects to be undertaken in no less than two sites along the shorelines of the Atlantic, gulf, Pacific, and Great Lakes coast.

I urge passage of H.R. 10203.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, I want to join also in complimenting the distinguished gentleman from Texas (Mr. ROBERTS) for the diligent study the gentleman has made of this subject, and for the fine work the gentleman has done in bringing to the Congress a bill that not only benefits specific regions, but benefits the whole Nation.

The gentleman has done our Nation a great service in this regard, and I congratulate the gentleman as well as the other members of the committee.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I would like to join my other colleagues in paying tribute to the very fine job that has been done by our colleague, the gentleman from Texas (Mr. ROBERTS), as well as the other members on this committee.

I also want to take this occasion to say that I had a chance recently to say to the Director of the Office of Management and Budget that all of the problems we have had financially and otherwise in these matters has been for the purpose of establishing a base for our handling these matters so as to protect all of our natural resources. And to say that if we did not have a strong land base that we can leave to our youngsters and for the future of our country it would all be for naught, and we would not have anything. I believe the step that is being taken here today by the House under the leadership of the gentleman from Texas (Mr. ROBERTS), is a step in the right direction because we cannot handle any of it if we do not take care of the base. So this is an excellent step forward in looking after the base problem.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS).

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

Mr. PERKINS. Mr. Chairman, I rise to concur in everything that the gentleman from Mississippi (Mr. WHITTEN) has stated. This is a great bill. The gentleman from Texas (Mr. ROBERTS) has done an outstanding job, as well as has the gentleman from California (Mr. DON H. CLAUSEN). I also want to compliment the gentleman from Alabama (Mr. JONES) the chairman of the full committee, the distinguished gentleman from Minnesota (Mr. BLATNIK) and all the members of this subcommittee, especially

the gentleman from Texas (Mr. WRIGHT).

Mr. Chairman, I want to go on record as supporting this measure wholeheartedly.

Mr. ROBERTS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I thank the gentleman from Texas (Mr. ROBERTS) for yielding to me this time, and I wish to congratulate him on his magnificent work in producing so fine and well balanced a piece of legislation.

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

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

Mr. ZION. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, section 34 says:

The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana.

Since money is already authorized for the Newburgh lock and dam, should it not be presumed that any money already authorized could be used for protecting the bank of this area?

Mr. ROBERTS. Mr. Chairman, if the gentleman will yield so that I may respond, the answer to the inquiry of the gentleman from Indiana is "Yes."

Mr. ZION. I thank the chairman of the subcommittee.

Mr. WRIGHT. Mr. Chairman, I take this time simply to stress to the Members two very graphic points which I think can be clearly and visually demonstrated with the help of two charts which I have with me. The first is the enormous demonstrable value of the water resource programs with which this bill deals, and particularly the flood control projects.

The second is the danger that has been recently posed to the future of these general programs, and what we in the committee are attempting to do to erase that danger and to guarantee a future to these water resource development programs.

First, with respect to the value of these projects, let us examine in dollars and cents a few of the results already experienced. Most of the Members are very familiar with the cataclysmic floods that inundated much of the Mississippi and the Missouri River Valleys earlier this year. On this map the Members can see that land that was covered up by water portrayed in blue. Everyone recalls the accounts of damages inflicted by that prolonged period of flooding.

What is not well known, however, is the fact that while those floods claimed some $500 million in verified damages, the projects already existing along the Mississippi and Missouri Rivers for flood control purposes prevented damages which otherwise would have occurred from these floods in the amount of some $7,200,000,000.

The yellow area portrayed on the map would have been inundated by the floods, had it not been for a generation of flood control work. The flood ravages would have encompassed some 10-million additional acres, much of it very valuable industrial, commercial, and residential property.

If the Members would look now at the other map, the indices on that second map show the location of projects which have been constructed in three areas of the country only. These are the three areas which have suffered the most recent large-scale natural disasters: Hurricane Agnes of last year, the Willamette and Columbia River flooding of last year, and the Mississippi and Missouri River flooding of this past spring. There are some 214 previously constructed flood control projects in the affected areas. Those projects in those three disasters prevented calculable damages which otherwise would have been inflicted, in the amount of $8,700,000,000—a figure considerably greater than the total cost of the projects.

Those 214 projects are part of a nationwide network of approximately 1,000 flood control projects which over the past 30 years this Congress has authorized and the Corps of Army Engineers has constructed.

The total cost of those 1,000 projects has been approximately $11 billion, but already they have saved the American public, the tax base of this country, and the American economy from damages estimated above $30 billion. In other words, the flood control program has paid for itself, in damages averted, almost three times over.

Let me now call the Members' attention to recent efforts on the part of some to change the historic method of evaluating these projects for economic feasibility prior to their authorization. It was suggested by a group appointed by the President that we should have a much harsher, radically different system of evaluating projects for economic feasibility. The new set of administratively proposed criteria was recently published in the Federal Register.

At some cost and care we have made a careful analysis of each of these 214 existing projects, the worth of which has been so fully demonstrated so recently, and we discovered that, if the newly proposed harsh economic evaluation criteria had been in effect, out of the 214, 121 never would have been built. This is more than half, almost 6 out of every 10, that would have been arbitrarily disqualified. Those that the Members see indicated on the map by black dots, never would have come into being. If they had not been built, obviously the damages that occurred from these three recent disasters would have been many times greater and the damages avoided would have been many times less.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman.

That is why the Congress is being given the opportunity in section 80 of this bill to freeze into being the historic method of evaluating these projects until such time as Congress, in the exercise of its rightful legislative prerogative, might at some future time write a new formula.

Until Congress itself decides to change the formula that has produced so much demonstrably worthwhile work, we believe it is inappropriate for the administration to impose an arbitrary system of evaluation which would have disqualified most such projects in the past.

Mr. MIZELL. Mr. Chairman, the New River, which flows through North Carolina, Virginia, and West Virginia in the Blue Ridge region of the Appalachian Mountain Range, is believed to be the second oldest river in the world, second to Egypt's Nile. The New is estimated to be more than 100 million years old.

The segment of the New River proposed for study in this section of the water resources bill is also known to be one of the few remaining relatively pollution-free rivers in the eastern half of the United States. It is recognized, as well, as one of the finest rivers for recreational smallmouth bass fishing in the Nation.

A massive hydroelectric power project has been proposed for construction in this segment of the New River, and the construction of this project would, as the applicant concedes, drastically alter the character of the river.

All of this is included in the committee report on this section. But some facts are omitted, and I believe they should be brought to light for my colleagues' consideration.

The project as now proposed calls for the flooding of 38,000 acres of land in Ashe and Alleghany Counties in North Carolina, and in Grayson County, Va., for water storage pools.

In addition to destroying this precious historic treasure, the pollution emanating from this project, would despoil the only remaining unpolluted river in the eastern half of the United States.

Beyond the destruction of the river, the project would also destroy a way of life for hundreds of people, and what is now a fertile land of beauty would be blighted and ravaged beyond redemption.

I believe every effort should be made to save these great treasures of life and land and water, and that is the reason I sponsored this section of the bill.

The history of this project is long and complicated, and I will not take the time here to try to explain it all, because there simply is not enough time to take.

But let it suffice for the moment to say that among the public officials who have taken the time to investigate this project in some depth, not one has supported this project as currently proposed.

The State of North Carolina, and the distinguished Senators from my State—Senators ERVIN and HELMS—are all on record as opposing this project, just as I have been since learning of its details in 1969.

And the people who live in the project area itself are opposed to its construction, almost to a man.

So there is obvious and serious and longstanding opposition to this project's construction, and that should satisfy my colleagues for the purpose of this debate, because all I am trying to do with this legislation is to have the Corps of Engineers make a study to see if there should not be some better fate for the New

River than a fate of disgraceful destruction.

I know there are great and legitimate concerns right now about the adequacy of the Nation's power sources. I serve on the Subcommittee on Energy, and I recognize the problems.

But to blindly and meekly sacrifice irretrievable, invaluable and incomparable natural resources on the alter of "power crisis" emotionalism is to sacrifice our own power of will and reason and perspective.

I am not ready to sacrifice all those powers and all those treasures for a project conceived and promoted in callous disregard for their worth.

This country is blessed with resources of both energy and environment, and we must make hard choices of what we should protect and what we should develop. And I think the New River must be protected.

In the other body, Senator HELMS and Senator ERVIN have introduced legislation to have the New River included in the wild and scenic rivers system for permanent preservation, and I am considering a similar bill. The Corps of Engineers study may well recommend the same course of action.

We need time to have these evaluations made, and time to work the will of the Congress in this matter with all the facts at hand. To do otherwise, to act in haste, is to thwart the will of the Congress as well as to needlessly and cruelly destroy a great national treasure.

I urge that the section be left as it is, and that the gentleman's amendment not be agreed to.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 10203 and urge its expeditious passage.

This is a well balanced, well reasoned bill, which incorporates several innovations. For this reason, I cosponsored identical bill H.R. 10204 and now urge its passage.

There is one section of this bill which I would particularly like to endorse, because it affects my district and I find it a particularly meritorious provision. This is section 107 which would make permanent the one-time channel clearance of the North Branch of the Chicago River authorized by section 116 of the River and Harbor Act of 1970.

The Army Corps of Engineers has general authority for small snagging and clearing work for both navigation and flood control purposes. The specific legislation for the North Branch of the Chicago River in the 1970 River and Harbor Act was needed because of the larger scope of the work and because of the value of the work to esthetics and water quality as well as flood control. This channel is in the heart of Chicago, the third largest metropolitan area in the country. A large number of people live in the vicinity of the waterway, and it is an important part of their environment. A water channel through a dense urban area can be a source of great esthetic and environmental benefit, but not if the waterway is clogged with debris and fallen trees.

The work that has been done under the 1970 act has made a tremendous difference and has made a noticeable improvement in the environment of the neighborhoods along the North Branch. This is a small but important example of ways in which the Corps of Engineers can help the urban environment and it should be continued.

Mr. BIAGGI. Mr. Chairman, I rise in support of the bill H.R. 10203, the Water Resources Development Act of 1973, I am in particular agreement with sections 72 and 91 of this legislation, which address themselves to two grave problems currently afflicting New York City's waterfront.

Section 72 of this bill would authorize the Army Corps of Engineers to begin immediate work on the modification of the Rockaway beaches. As a result of a series of devastating storms during the last several years, the Rockaways have been seriously damaged and defaced by erosion. The result has been related damages to the recreational beach areas in the Rockaways, as well as to the surrounding roadways and communities. Section 72 would pump-in desperately needed Federal funds to help rebuild these beleaguered areas, and restore the natural beauty and recreational prominence which has characterized the Rockaways for hundreds of years.

Section 91 of this bill addresses itself to an equally severe crisis affecting the city of New York, the dangerous buildup of drift and debris in the New York Harbor. This section would authorize the Corps of Engineers to provide $14 million dollars to begin a comprehensive program aimed at removing these hazardous and unsightly materials from this busy waterway.

The need for section 91 is apparent. An estimated 10,000 commercial, recreational, and public vehicles collide annually with drift and debris in New York Harbor, causing severe structural damages to these vehicles as well as the potential for serious injury and death. Further, the continued presence of these materials results in a depression of property values, a tragic defacing of the waterfront, and in some instances, presents a severe fire hazard to the surrounding areas as well.

The Federal Government over the last several years has chosen to ignore these two crises. The New York waterfront cannot afford any further delays. These moneys are needed now before these beautiful and productive areas are rendered useless by destruction and continued neglect.

I applaud the committee for including sections 72 and 91 in this excellent and comprehensive legislation. I urge its passage not only for the sake of New York, but for the future of all great waterways in the United States.

Mr. PARRIS. Mr. Chairman, it is my pleasure to rise in support of H.R. 10203, the Water Resources Development Act of 1973. I share the opinion of the Committee on Public Works that the Congress must make a firm commitment to water resources development in order to assure continued abundant water supplies for this Nation in the years ahead.

I would like to direct my colleagues attention to two projects authorized in this legislation which will be of significant benefit to my constituents in northern Virginia. Section 86 of the committee bill authorizes the U.S. Army Corps of Engineers to assist the National Park Service in restoring the ecological and historical values of Dyke Marsh on the Potomac River, which is located south of the city of Alexandria, and which was previously destroyed by dredging operations. The project will consist of the construction of dikes, containing clean fill material obtained from other portions of the Potomac River estuary, and eventually will restore the topography of the area to its original contours. I commend the committee for including this project in the legislation which we have before us today, as the restoration of this valuable fish and wildlife habitat will be of direct benefit to the historic Alexandria area.

Of particular interest to me and to my constituents in northern Virginia is the Four Mile Run flood-control project, which is located in the city of Alexandria and county of Arlington, Va. The necessary authorization for beginning construction on this project is contained in title I, section 84 of H.R. 10203.

Approximately 300 acres of primarily urban area along Fourmile Run are frequently subject to severe flooding conditions, usually resulting from intense rainfall of short duration. At the present time, there are no existing flood control improvements constructed by either Federal or State agencies within the Fourmile Run Basin, although some local improvements have been made in the last few years. The development of the area has only served to increase its flood-prone tendencies; the intensity and frequency of flooding has increased to the extent that "light showers" may necessitate the evacuation of homes and businesses.

In June 1972, Tropical Storm Agnes caused catastrophic damage to many parts of the eastern United States. The Fourmile Run area was particularly affected by this storm, which left in its wake estimated damages to the project area in the amount of $14 million. Prior to Agnes, the flood of record caused over $4 million in damage to the basin.

I cannot emphasize strongly enough to my colleagues the dangerous situation which exists in the area, or the hardship and suffering which have been caused by previous floods. The Committee on Public Works recognized the need for action in October 1966, when it instructed the Corps of Engineers to undertake a feasibility study of the Fourmile Run project. The initial report submitted to Congress in 1970 clearly indicated the favorable reaction to the project of all Federal and State agencies involved. I am pleased to be able to report that as of this date, all preconstruction planning has been completed, and construction will begin immediately upon congressional approval of H.R. 10203.

The project itself will comprise a major channel, levee, and floodwall improvement with associated interior drainage facilities, an improved channel, and the replacement of two highway and four railroad bridges. An improved channel for Long Branch, a tributary of Fourmile Run, will also be constructed. The total cost of the project to the Federal Government has been set at $29.98 mil-

lion, and the local share at $8.57 million. In view of the urgent need for prompt congressional approval of the project, the city of Alexandria, the county of Arlington, and the R.F. & P. Railroad have generously agreed to make additional cash contributions totaling $2,439,000.

I would like to take this opportunity to express my thanks to the committee for the time and effort expended by its members toward making the completion of this project a reality. I am certain that northern Virginia residents will have reason to be grateful for their efforts in the years to come.

Mrs. HOLT. Mr. Chairman, I rise today to express my support for the provision contained in H.R. 10203, the Water Resources Development Act and the river basin monetary authorizations which deal with the immediate implementation of the Sixes Bridge project.

The District of Columbia and the surrounding Maryland and Virginia counties will be facing possible severe water shortages in the not too distant future. We are currently consuming a maximum of 400 million gallons a day. This is expected to increase to 995 million gallons per day between the mid-1970's and 1984. The Potomac River is the primary source of water for this area, and when it is at low ebb, the flow of record was 388 million gallons a day.

The magnitude of this problem has been amply investigated, discussed, and analyzed over the past decade. If the potential problems of the 1980's are to be recognized, construction of this vital project must begin today. To date, the only significant construction to meet increased water demand has been the Bloomington, Md., reservoir and an emergency intake structure on the upper estuary. These projects, both of which are in the early stages of construction, will only begin to meet the supply problem.

The Sixes Bridge project will play a vital role in insuring a satisfactory water supply for the Metropolitan Washington area. I strongly urge my distinguished colleagues to approve this funding and construction without further delay.

Mr. HARRINGTON. Mr. Chairman, I rise to support H.R. 10203, a bill to provide for the construction, repair, and preservation of specified public works on rivers, and harbors for navigation, and for flood control.

Water is one of our most valuable resources—we not only drink it, but it is vital for industrial production, and provides shoreline and waterways of great natural beauty. It is a resource we cannot neglect.

Water, today, is free and in great supply. But this will not always be the case unless we take action now to preserve and protect this invaluable resource. Our beaches are eroding, and we are polluting our water to the point where it is too often no longer usable. The time has long since past for us to responsibly protect this asset without which we cannot survive.

The Water Resources Development/River Basin Monetary Authorization Act does not signify a major step in this direction, but it is consistent with this objective, and it is at least a small step.

The bill includes four basic new provisions:

First. Federal funding of fish and wildlife enhancement, so that no longer will we have to settle for simple mitigation.

Second. Nonstructural alternatives to flood control. Floodproofing will be one alternative method incorporated and hopefully this will reduce or alleviate damage due to flooding.

Third. Deauthorization procedures so that the Government can oversee projects and if a review of a project shows that conditions have changed, or that time has changed the problem, the project can be revised or dropped.

Fourth. Sixteen new projects to be authorized under phase I design memorandum stage of advanced engineering and design. This new authorization procedure is intended to give Congress increased control over the design and approval of new projects.

Mr. Chairman, while I support this bill because of the many desirable projects it includes, I join many local conservation groups in having significant objections to still other projects proposed for authorization. It seems unfortunate to me that we should face a situation where, in order to vote against a number of undesirable projects, we would have to oppose an entire bill which is essentially consistent with our goals as a nation.

These reservations are serious in light of the administration's efforts to reduce Federal spending in social areas. We should not have to find ourselves in the position of condoning increasing funding for projects that are in any way unnecessary. But at the same time, the bill, in most of its parts, is compatible with national needs. I will support it for these reasons, and urge all my colleagues to do the same.

Mrs. HECKLER of Massachusetts. Mr. Chairman, section 2 of the Water Resources Development Act contains authorization for a project of special importance to the people of eastern Massachusetts. The Charles River Watershed project provides for the acquisition of some 8,400 acres of ecologically critical watershed land along the Charles River, which runs from east-central Massachusetts eastward to the Atlantic.

The downstream half of the river runs through some of the most heavily developed land in the country, while the upstream portion is surrounded by rural countryside that is rapidly being developed.

The Charles is already badly polluted, and much of its watershed has long since been destroyed. However a 7-year study by the Corps of Engineers, made in conjunction with Massachusetts State government agencies, and local environmental groups, determined that the river can be saved.

I believe that it is vital to reclaim this river. Not only has the Charles become more prone to damaging floods in recent years, but the river has been heading toward the ignominy of an open running sewer. If we can save this river, then our efforts can serve as a model for other such efforts across the country. We can make the Charles River once again a living part of the environment of eastern Massachusetts.

I have followed the progress of the Charles River study, and have worked closely with the Charles River Watershed Association since its inception. The recommendations of the study which were submitted to the Corps in Washington had my strong and active support. I have since urged that the project be implemented, by inclusion in this legislation.

Thus it is my sincere feeling that the distinguished chairman and the members of the Public Works Committee, especially the distinguished chairman of the Water Resources Subcommittee, Congressman RAY ROBERTS, and the distinguished ranking minority member, Congressman DON CLAUSEN, deserve congratulations for their far-sighted action in approving this project.

My colleagues should also know that the Charles River project is considered by both the Corps of Engineers and the Public Works Committee to be an innovative approach to the problems of flood control and pollution. Rather than construct dams and levees, which in the long run damage the ecological balance, this project will control flooding by preserving the river basin's wetlands as a natural system of flood water collection and dispersal.

Preservation of the watershed will also help the river purge itself of pollutants, and will prevent further dumping of wastes.

Mr. Chairman, this is a most ambitious program. It will benefit the people of Massachusetts, and it will serve as a demonstration of a more effective method of flood control and water conservation. I urge my colleagues to support this legislation today, and to help work for an appropriation which will accomplish the goal that we have set here today.

Mr. MILLER. Mr. Chairman, I want to make particular reference to section 32 of this legislation.

Section 32 deals with the very serious riverbank erosion problem we have along the Ohio River that is threatening communities, roads, homes, and some of the best farmland in the State. While streambank erosion is common to nearly all inland riverways, it is particularly severe on the Ohio because of the extensive, new lock and dam system and the heavy volume of river traffic.

In the district I represent, several community parking lots adjacent to the river have been badly damaged, a municipal sewage lagoon is endangered, valuable farm bottomland has slipped away, roadways have been closed, and numerous homes are threatened.

The provision calls for a major effort to find ways to curb and prevent riverbank erosion damage along the Ohio River. As part of its effort, the Corps of Engineers would be authorized to undertake the construction of demonstration projects including determining the feasibility of bank protection works.

I cannot overemphasize the seriousness of the erosion problem along the Ohio—a situation that in most localities is growing worse. As soon as we can get

this program off the ground, the sooner we will have some answers as to how we can effectively and efficiently save the soil and protect property on the Nation's inland waterways.

Mr. BOWEN. Mr. Chairman, I urge the House to approve the authorization contained in this bill for a project of great importance to the State of Mississippi and to the entire Mississippi River system—the Greenville Harbor project.

It will be a great asset not only to Greenville as a major Mississippi River port, but also for the development of commerce and industry in the entire area.

There is a critical need for expansion of the port and harbor facilities at Greenville if our people are to continue the progress and economic development so vital to a better life for all our citizens.

Public Works Committee projections show that improvements to the Greenville Harbor authorized in this bill will generate more than $4 million annually in new commercial activity for the port, plus open the door for new and expanded industries, thereby creating additional jobs for our people.

The great potential of this port and the entire South Delta area, serving a vast export commerce as well as inland trade, have been retarded by the lack of this sorely needed channel improvement and expansion.

I want to commend the Committee on Public Works, and particularly the distinguished chairman of the subcommittee, the gentlemen from Texas, for their foresight in favorably recommending this important port project. It was my privilege to testify before them earlier on behalf of the Greenville port improvement project, and I am grateful for their courtesy and progressive action on our behalf.

Mr. HANRAHAN. Mr. Chairman, in Thornton Township, the largest township in the State of Illinois, there is a little-known body of water, the Little Calumet River. While it is not one of our "great" rivers, it is vitally important to large numbers of Illinois residents.

These local residents used to be able to depend on the Little Calumet for recreation. That is no longer the case. The river is dying. The pollution is encroaching on all its forms of life. Unless something is done immediately, the Little Calumet will join a growing number of rivers that have become little more than sewers.

Since the river's inception, decades ago, it has never been systematically cleaned. Pollutants have been allowed to build up until the river has now become stagnant in parts.

The largest township in the State of Illinois has lost its major source of recreation to pollution. I have sponsored legislation, which was incorporated in Water Resources Development Act, H.R. 10203, to authorize the cleaning of the 12-mile channel of the Little Calumet River in Illinois of the fallen trees, roots, and debris which now are choking the life out of this river. The Army Corps of Engineers in the Chicago area, has estimated that this cleaning will cost in the area of $400,000.

The Little Calumet River is unsuitable to support the kinds of recreational activities which are possible on a clean river. The residential and industrial development of the area, combined with the accompanying pollution, has caused a general decline in the river and its environs to the point where the fish and wildlife in the area are essentially nonexistent.

The Little Calumet River serves a drainage area of about 587 square miles, of which 205 are in Illinois and 382 in Indiana. Under normal flow conditions the area lying east of Hart Ditch—in Indiana—some 340 square miles, drains into Lake Michigan via the Burns Waterway. Drainage from the 247 square miles to the west of and including Hart Ditch find its way to the Cal-Sag Channel.

The Little Calumet from its junction with the Cal-Sag Channel upstream to the Harvey-Riverdale area—a distance of approximately 3.5 miles—is bordered on both banks by either Forest Preserve District or otherwise open land. From this point through South Holland, in Thornton Township—approximately 4 miles—the area has undergone considerable residential development and remaining open-space areas are quite limited. The reach from South Holland to Calumet City, also in Thornton Township—approximately 3 miles—is at the present time still largely agricultural in nature. However, an extensive apartment complex is planned for development in the area near the junction of Thorn Creek and the Little Calumet River. From the Calumet City-Lansing area to the State line the flood plain has also undergone extensive residential development.

For the river to be returned to its once desirable condition, it is imperative that the accumulation of debris—by this I refer not only to fallen trees and roots, but to such manmade objects as abandoned refrigerators, sofas, cars, and shopping carts—be removed to allow fish and wildlife to return to the Little Calumet.

Local citizens must contend not only with the eyesore the Little Calumet presents, but also with the stench that results from the pollution in the river.

The Operation Little Calumet River Commission, formed in 1969 by Gov. Richard B. Ogilvie, has made significant strides in removing pollution and returning the river to its natural state. This is in large extent due to the ambitious pollution prevention and channel cleanup programs undertaken by the Commission and also the outstanding support afforded the Commission by the local citizenry. Several successful debris removal campaigns have removed a signficant amount of the unnatural debris from the river.

The local residents have worked long and hard to alleviate the pollution of the Little Calumet River. The most successful of the debris removal projects took place in May of 1971. Over 550 area citizens took part in a massive effort to remove the pollution. They were able to remove in 1 day, 150 tons of debris from the 12-mile channel in Illinois.

Through the concerted efforts of the local citizenry they have essentially achieved the limited results which can be accomplished on the local level. Any further major improvements will only be forthcoming from funding efforts on a Federal level. I again urge this committee to act favorably and grant the needed funds to achieve this sorely needed improvement of the Little Calumet River.

Mr. DELLUMS. Mr. Chairman, included in this bill are funds for construction of the New Melones Dam on the Stanislaus River in California.

I oppose the construction of this dam because I understand that it does not meet the requirements of the National Environment Policy Act. The New Melones Dam would ruin 10,000 acres of wildlife, inundate geologically important limestone caves and would detroy trout fish habitats along a 15-mile stretch.

It distresses me that the Congress is considering projects which are of questionable necessity and ecologically damaging. Obviously it is our responsibility to look at the legislation that comes before us with some sense of priorities. It is incredible to me that millions of dollars are given to a unneeded project whereas social services programs involving education and medical services receive negligible funding.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 10203, the Water Resources Development and River Basin Monetary Act of 1973.

I want to commend the entire Public Works Committee particularly the chairman (Mr. BLATNIK) and the chairman of the Water Resources Subcommittee (Mr. ROBERTS) for the outstanding job they have done in reporting this important legislation to the House floor. The committee members have labored many long hours to produce an excellent piece of legislation.

I am especially pleased that the committee included section 101 in the bill as reported. This provision modifies the authorized flood protection on the Rahway River at South Orange, N.J. to provide that costs of relocating utilities within the channel walls shall be borne by the Federal Government.

Mr. Speaker, unless this legislation is enacted, the village of South Orange is faced with the additional and unexpected cost of over $400,000 for payment of relocating utilities within the channel walls. This would constitute a heavy burden for this small municipality of approximately 17,000 residents.

Originally, the village had been advised that the cost of moving utilities would be a Federal responsibility. The village has lived up to its share of the cost and passed an ordinance for nearly a million dollars as its share of the project.

In 1971, the village was notified by the Corps of Engineers that the corps would no longer assume the obligation for relocating utilities. Section 101 is urgently needed as a legislative remedy to assist South Orange. I urge its passage.

Mr. DORN. Mr. Chairman, I wholeheartedly support the Water Resources Development Act of 1973. As a member of the Water Resources Subcommittee I especially want to pay tribute to the chairman of our subcommittee, our dis-

tinguished colleague from Texas (Mr. ROBERTS), for his outstanding work on this important legislation.

Mr. Chairman, perhaps nothing in the long run is more threatening to our Nation's continued economic and social progress than the possible water supply crisis. This bill is an important step in meeting that crisis. Our bill authorizes $1.25 billion for water resource development and river basin projects. Along with the $24 billion clean water bill developed by our committee last year and enacted into law, this bill represents our committee's continuing efforts to provide adequate supplies of clean water for the Nation.

Of great interest in our area, Mr. Chairman, is a provision in the bill authorizing the Corps of Engineers to remove silt and aquatic growth from Broadway Lake, in Anderson County, S.C. Sediment deposits have filled portions of the lake and aquatic growth in the entire lake requires removal to restore the recreational uses and environmental quality of the popular, heavily used lake. Broadway Lake is used very extensively by residents of the entire Anderson County region for boating, fishing, and recreation. Continued deterioration of the lake through siltation and aquatic growth would result in a serious recreational and environmental loss to one of our State's most populous and fast-growing regions. The lake is located on a tributary of the Savannah River and its cleanup will have important national implications for demonstrating the reclamation of dying lakes.

Mr. Chairman, I urge overwhelming passage of the Water Resources Development Act of 1973.

Mr. BAUMAN. Mr. Speaker, I rise in suport of H.R. 10203, especially section 97, which would declare certain described portions of the south prong of the Wicomico River in Salisbury, Md., to be nonnavigable within the meaning of the laws of the United States. This declaration is contingent upon a finding by the Secretary of the Army, acting through the Chief of the Corps of Engineers, that the proposed project is in the public interest, based on engineering and environmental studies.

Mr. Speaker, I assure the House that the Wicomico riverfront project is indeed in the public interest, and this legislation makes the project a reality.

The city of Salisbury, Md., the leading urban center on the Delmarva Peninsula, is fortunate in having a branch of the Wicomico River flowing through its central area. For many years, the upper reaches of this branch have been developed and beautified, first as a much-used city park, which more recently includes an outstanding zoo. However, the lower reaches of the south prong of the Wicomico River have been an eyesore for years, and it is this problem that section 97 of this bill seeks to cure. Passage of H.R. 10203 will allow a massive urban improvement project which will have the river as its centerpiece.

The primary purpose of this project is to arrest the urban blight and deterioration of the central business district of the city of Salisbury. Salisbury has already made great progress in this direction through a combination of private and local governmental efforts including a downtown mall, extensive public parking, and a new government plaza. The passage of this legislation, at no cost to the Federal Government and its taxpayers, will allow the city of Salisbury to undertake this comprehensive riverfront project including the development of the lower reaches of the south prong of the Wicomico River. In addition, the completion of this project will improve the tax base of the city and will work to improve the economic and social climate of the lower Eastern Shore area.

I wish to express my appreciation to the Committee on Public Works and the U.S. Corps of Engineers for their splendid cooperation in including this section in the bill. Much credit also goes to Robert Cook of the Greater Salisbury Committee and Philip C. Cooper, of Mayor Dallas Truitt's staff.

Mr. Speaker, the passage of this bill is not only desirable but is essential for the major redevelopment and beautification of this important regional center, the city of Salisbury. I strongly urge its approval.

I include at this point in my remarks, and editorial and article from the Daily Times in Salisbury detailing the future plans for the improvement of the downtown area, and illustrating conscientious effort on the part of the residents of Salisbury to convert a disintegrating inner city into a viable and thriving area for both business and pleasure:

IT LOOKS AND SOUNDS EXCITING

A developer's dream is beginning to focus into some form of reality for downtown, Salisbury. There are plans for a $12 million development project, including office buildings, a motel, apartments and even a floating restaurant.

The City Council has given its approval of the project which would begin initially in the area bounded by S. Salisbury Blvd., the Wicomico River, S. Division St. and Carroll St., where options have been taken.

Another downtown area boost in the wind is an urban renewal project on the lower end of old W. Main St. and the plaza, leading to the razing of some 1890's buildings. And, still another is the government office building project across the street from the courthouse, bounded by N. Division St. and Salisbury Parkway. The city also has a long range program for inner harbor development.

Some zoning changes will be required to permit higher buildings. An 18-story office-building, for instance, would be 179 feet high. The present limit is 90 feet. It is proposed to set the new limit at 200 feet.

If the developers' dreams come true—and they are betting money on it—the transformation of the center of Salisbury from horse and buggy days to modern small city will be well under way. Parking must be provided or else. That is the factor that brought decay in downtowns across the country. There was little or no parking.

Water and sewer services are available in this area, though it possibly may need updating. The same goes for the streets. Where possible, they need to be widened. Buildings need to be modernized to the 1970s. Business people, shoppers and apartment dwellers will not accept anything less. That's what modernization is all about.

The concept of new buildings, convenient services, comfortable apartments, and public buildings, all placed in the attractive setting of green grass plots, the Wicomico River and growing trees is an exciting one. It contradicts the prevailing pattern of center city core desertions to places where new starts can be made. All of this can be a new start for the old core of the Salisbury region.

COUNCIL OK'S DOWNTOWN $12 MILLION DEVELOPMENT

(By Mike Meise)

A Washington area developer today had the blessings of City Council for a $12 million downtown development to include an 18-story office building, a motel, and a floating restaurant.

And, according to Robert D. Adgate, construction is expected to be started by Oct. 1 on the first structure in the inner harbor development—the 112-unit motel.

City Council, meeting in special session Tuesday night in City Hall, gave its endorsement to the plans of Sea-Kal Development Corp., which is currently building a 75-unit housing development on E. College Ave. Mr. Adgate heads the firm.

This development came almost simultaneously with another move to boost the downtown area—the launching of a Central City District Commission-fostered proposal to institute an urban renewal program for the lower end of W. Main St. and the Downtown Plaza. This could lead to the razing of a number of old buildings in the W. Main St.-Camden St. area.

Plans for the inner harbor development, updated and revised from those initially shown to city officials in February, include parking spaces for 1,024 vehicles, many of them underground.

The area generally covered in the development takes in around six acres with S. Salisbury Blvd. Upton St., S. Division St., and the Wicomico River in its boundaries.

From a city standpoint, it will involve closing of the stretch of Carroll St. between S. Division St. and S. Salisbury Blvd., widening of Upton St. to a four-lane thoroughfare, and relocation of a segment of Carroll St. in the S. Division St. area to connect with Upton St.

The Daily and Sunday Times building and grounds would remain virtually intact under the city plan.

When the developers unveiled their plans in February, the estimated cost was between $8 and $9 million. These figures are now revised upward to $12 million. At the February session, Mr. Adgate envisioned this as Phase One of a much broader, long-range development extending over a wider area of the downtown section that could cost "better than $50 million."

Mr. Adgate told the council that an extensive market study had prompted his firm to revise its plans insofar as apartments are concerned, because of the current building boom in apartments in the city, and to lean more toward commercial office space.

Here, according to the latest plans shown to city officials, are the projects involved in the initial phase:

1–An 18-story office building containing 153,000 square feet of floor space.

2. A 10-story apartment house containing shops on the first floor and 54 luxury-type apartments on the nine upper floors.

3. A motel containing 112 units on three floors with a snack area and an assembly room on a fourth floor.

4. A two-story medical office facility containing offices for the medical profession and including underground parking facilities for doctors and patients.

5. A six-floor building adjacent to the medical office building which would contain 66 rooms for an ambulatory care center—described as a motel with supervision for outpatients going to and from nearby Peninsula General Hospital—and a 100-room nursing home.

6. A floating restaurant with a seating capacity of 225. This, according to Mr. Adgate, would be anchored in the river. The restaurant, described as unique, would be built on a 60 by 40-foot barge to be brought here.

One of the first official city steps related to the downtown development will come tomorrow when Henry P. Wojtanowski, chief of the municipal bureau of inspections, presents a 15-page document to the planning and zoning commission.

This, according to Mr. Wojtanowski, would pave the way for such a development by raising the height limitation on buildings in commercial and business districts from the present 90 feet to 200 feet. The developer's 18-story building would be 179 feet high.

Mr. Adgate told city officials that his firm has options on most of the property in the development area and financing had been obtained for the motel, medical facility and ambulatory-nursing home building. Now that the council has indorsed the development he indicated, bank financing of the high rise building is expected.

Mr. Adgate was accompanied to City Hall by his architect, Charles Englehart, and his attorney, Barry Fitzpatrick, both of Washington; and Alfred T. Truitt Jr. of Salisbury, his local attorney.

Members of the council spoke out in varying tones of approval or endorsement. "We'd like your approval," said Mr. Adgate. "You've got mine," replied City Council President W. Paul Martin Jr. and other councilmen echoed Mr. Martin's sentiments.

This development would mesh in some ways with the multimillion dollar plan for development of the inner harbor which has been launched by the city in collaboration with the Greater Salisbury Committee.

Mr. PRICE of Illinois. Mr. Chairman, by the end of the century, many experts have stated that this Nation will almost certainly be facing a severe water shortage. Currently, we are withdrawing nearly 30 percent of our annual available freshwater supply and consuming only 7 percent of this. In addition, by the end of this century withdrawal use will be five times that of the 1965 level. Combining these figures with the rising population statistics one can see the beginnings of a major crisis taking shape.

Unfortunately, the water shortage is not even realized as a problem by most Americans. There is a parallel here with the fuel shortage, which was also kept in the background until brought into prominence when the current fuel restrictions came into effect.

However, today the Members of Congress can act to keep the water shortage from growing to even more dangerous levels. I would like to give my own support to H.R. 10203, the Water Resource Development Act of 1973 and the River Basin Monetary Authorization Act of 1973 and urge my colleagues to do likewise.

A total of 20 water resource projects are included in title I of the act, while title II increases appropriations for 16 river basin plans previously approved by Congress. These projects cover almost every area in the Nation. In addition, Federal funding for fish and wildlife enhancement will be raised from 50 to 75 percent. International cooperation is also included by increasing the expenditure for U.S. participation in the Permanent International Association of Navigation Congresses to $45,000.

Mr. Chairman, the choice is clear: either we enact legislation now or we—and our children—must face the consequences at some later date. It is not necessary for me to argue the merits of a plentiful supply of clean water.

Let it suffice to say that we cannot live as we do now without it. Nor can we allow Nature to annually destroy homes, crops, and personal property with floods which effect every part of the Nation.

I am sure that no one here would want to see another tragedy such as that witnessed this spring. H.R. 10203 will help to provide solutions for these problems before they grow so serious as to be uncontrollable.

Mr. DON H. CLAUSEN. Mr. Chairman, I have no further requests for time.

Mr. ROBERTS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WATER RESOURCES DEVELOPMENT

SEC. 1. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to undertake the phase I design memorandum stage of advanced engineering and design of the following multiple-purpose water resources development projects, substantially in accordance with, and subject to the conditions recommended by the Chief of Engineers in, the reports hereinafter designated.

MIDDLE ATLANTIC COASTAL AREA

The project for hurricane-flood protection at Virginia Beach, Virginia: House Document Numbered 92–365, at an estimated cost of $954,000.

JAMES RIVER BASIN

The project for flood protection for the city of Buena Vista on the Maury River, Virginia: House Document Numbered 93–56, at an estimated cost of $665,000.

SALT RIVER BASIN

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, for flood protection and other purposes: House Document Numbered 92–374, estimated cost of $330,000.

PASCAGOULA RIVER BASIN

The project for flood protection and other purposes on Bowie Creek, Mississippi: House Document Numbered 92–359, at an estimated cost of $310,000.

PEARL RIVER BASIN

The project for flood control and other purposes on the Pearl River, Mississippi: House Document Numbered 92–282, at an estimated cost of $310,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood control and other purposes on the Zumbro River at Rochester, Minnesota: Report of the Chief of Engineers dated June 7, 1973, in House Document Numbered 93–156, at an estimated cost of $150,000.

LOWER MISSISSIPPI RIVER BASIN

The project for Greenville Harbor, Greenville, Mississippi: Senate Document Numbered 93–38, at an estimated cost of $200,000.

The project for flood protection for the east bank of the Mississippi River, Warren to Wilkinson Counties, Mississippi (Natchez area): House Document Numbered 93–148, at an estimated cost of $150,000.

The project for flood control and other purposes for the Bushley Bayou area of the Red River backwater area, Louisiana: House Document Numbered 93–157, at an estimated cost of $300,000.

PEE DEE RIVER BASIN

The project for flood control and other purposes on Roaring River Reservoir, North Carolina: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of $400,000.

ALTAMAHA RIVER BASIN

The project for flood control and other purposes at Curry Creek Reservoir, Georgia: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of $400,000.

COOSA RIVER BASIN

The project for flood control and other purposes at Dalton Reservoir, Conasauga River, Georgia: in accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Development of Water Resources in Appalachia, at an estimated cost of $440,000.

GUADALUPE RIVER BASIN

The project for flood control and other purposes on the Blanco River at Clopton Crossing, Texas: House Document Numbered 92–364, at an estimated cost of $177,000.

ARKANSAS RIVER BASIN

The project for flood protection and other purposes on the Arkansas River and tributaries above John Martin Dam, Colorado: House Document Numbered 93–143, at an estimated cost of $1,140,000.

SPRING RIVER BASIN

The project for flood control and other purposes on Center Creek near Joplin, Missouri: House Document Numbered 92–361, at an estimated cost of $150,000.

COLUMBIA RIVER BASIN

The project for installation of power generating facilities at the Libby Reregulating Dam, Kootenai River, Montana: Senate Document Numbered 93–29, at an estimated cost of $10,000.

(b) The Secretary of the Army is authorized to undertake advanced engineering and design for the projects in subsection (a) of this section after completion of the phase I design memorandum stage of such projects. Such advanced engineering and design may be undertaken only upon a finding by the Chief of Engineers, transmitted to the Committees on Public Works of the Senate and House of Represenatives, that the project is without substantial controversy, that it is substantially in accordance with and subject to the conditions recommended for such project in this section, and that the advanced engineering and design will be compatible with any project modifications which may be under consideration. There is authorized to carry out this subsection not to exceed $5,000,000. No funds appropriated under this subsection may be used for land acquisition or commencement of construction.

SEC. 2. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this section. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated.

DELAWARE RIVER BASIN

The project for local flood protection on Wabash Creek, Borough of Tamaqua, Pennsylvania: In accordance with the recommendations of the Secretary of the Army in his report dated April 12, 1971, on the Develop-

ment of Water Resources in Appalachia, at an estimated cost of $2,355,000.

CHARLES RIVER WATERSHED

The project for flood control and other purposes in the Charles River Watershed, Massachusetts: Report of the Chief of Engineers dated December 6, 1972, at an estimated cost of $7,340,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood control and other purposes at Prairie du Chien, Wisconsin: Report of the Chief of Engineers dated February 9, 1972, at an estimated cost of $1,840,000.

SEC. 3. The West Tennessee tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948, and November 7, 1966, as amended and modified, is hereby further amended substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-367, at an estimated cost of $6,600,000.

SEC. 4. The project for beach erosion control on Ediz Hook at Port Angeles, Washington, is authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 93-101, at an estimated cost of $4,553,000. The Secretary of the Army, acting through the Chief of Engineers is authorized to undertake, in connection with such project, such emergency interim measures as may be necessary to prevent the breaching of Ediz Hook prior to construction of the authorized project.

SEC. 5. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer Glen.

SEC. 6. Section 103 of the River and Harbor Act of 1970 is amended to read as follows:

"SEC. 103. The cost of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States. This section shall apply to any such project authorized (A) under section 201 of the Flood Control Act of 1965, (B) under section 107 of the River and Harbor Act of 1960, (C) between January 1, 1970, and December 31, 1970, under authority of this Act, and to projects heretofore authorized in accordance with the policy set forth in the preceding sentence and to such projects authorized in this Act or which are hereafter authorized."

SEC. 7. (a) Section 116(a) of the River and Harbor Act of 1970 (Public Law 91-611) is amended by inserting before the period the following: ", and thereafter to maintain such channel free of such trees, roots, debris, and objects".

(b) Section 116(c) of the River and Harbor Act of 1970 (Public Law 91-611) is amended by inserting before the period the following: "to clear the channel, and not to exceed $150,000 each fiscal year thereafter to maintain such channel".

SEC. 8. The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the San Francisco Bay-Delta Model in Sausalito, California, for the purpose of testing proposals affecting the environmental quality of the region, including, but not limited to, salinity intrusion, dispersion of pollutants, water quality, improvements for navigation, dredging, bay fill, physical structures, and other shoreline changes which might affect the regiment of the bay-delta waters.

SEC. 9. The requirement in any water resources development project under the jurisdiction of the Secretary of the Army, that non-Federal interests hold and save the United States free from damages due to the construction, operation, and maintenance of the project, does not include damages due to the fault or negligence of the United States or its contractors.

SEC. 10. The McClellan-Kerr Arkansas River navigation system, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, is hereby further modified to include alteration at Federal expense of the municipal water supply facilities of the city of Conway, Arkansas, by the construction of water supply impoundment facilities at a location outside the flat flood plain of Cadron Creek, together with interconnecting pipeline and other appurtenant work, so that the water supply capacity of the resultant municipal facilities is approximately equivalent to that existing prior to construction of the navigation system.

SEC. 11. (a) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations for flood control and allied purposes, and subject to all applicable provisions of section 217 of the Flood Control Act of 1970 (Public Law 91-611):

San Luis Obispo County, California.

East Two Rivers between Tower, Minnesota, and Vermilion Lake.

Buffalo River Basin, New York (wastewater management study).

Palo Blanco Creek and Cibolo Creek, at and in the vicinity of Falfurrias, Texas.

(b) The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Miami River, Florida, with a view to determining the feasibility and advisability of dredging the river in the interest of water quality.

Port Las Mareas, Puerto Rico, with a view to determining the feasibility and advisability of assumption of maintenance of the project by the United States.

Saint Marys River at, and in the vicinity of, Sault Sainte Marie, Michigan, with a view to determining the advisability of developing a deep draft navigation harbor and international port.

SEC. 12. (a) As soon as practicable after the date of enactment of this section and at least once each year thereafter, the Secretary of the Army, acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by the recommendation of the Chief of Engineers together with his reasons for such recommendation. Prior to the submission of such list to the Congress, the Secretary of the Army, acting through the Chief of Engineers, shall obtain the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each State wherein such project would be located, which views shall be furnished within sixty days after being requested by the Secretary and which shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days of continuous session of Congress after the date such list is delivered to it unless between the date of delivery and the end of such one hundred and eighty-day period, either the Committee on Public Works of the House of Representatives or the Committee on Public Works of the Senate adopts a resolution stating that such project shall continue to be an authorized project. For the purposes of this section continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one hundred and eighty-day period. The provisions of this section shall not apply to any project contained in a list of projects submitted to the Congress within one hundred and eighty days preceding the date of adjournment sine die of any session of Congress.

(c) Nothing in this section shall be construed so as to preclude the Secretary from withdrawing any project or projects from such list at any time prior to the final day of the period provided for in subsection (b).

(d) This section shall not be applicable to any project which has been included in a resolution adopted pursuant to subsection (b).

(e) The Secretary of the Army, acting through the Chief of Engineers, shall, on request by resolution of the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, review authorized projects for inclusion in the list of projects provided for in subsection (a) of this section. If any project so reviewed is not included in any of the first three lists submitted to the Congress after the date of the resolution directing the review of the project, a report on the review together with the reasons for not recommending deauthorization, shall be submitted to the Committees on Public Works of the Senate and House of Representatives not later than the date of the third list submitted to Congress after the date of such resolution.

SEC. 13. Section 207(c) of the Flood Control Act of 1960 (33 U.S.C. 701r-1(c)) is hereby amended to read as follows:

"(c) For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs."

SEC. 14. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized by the Flood Control Act of 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake remedial flood control measures to alleviate flooding in the reach between Stahl Road and Niagara Falls Boulevard that are compatible with the diversion channel plan contained in the report of the District Engineer, United States Army Engineer District, Buffalo, dated August 1973, such work to be subject to the items of local cooperation required for similar projects and such work to be limited to areas downstream from Sweethome Road in the town of Amherst, New York, and such other areas as the Secretary may deem necessary. The work authorized by this section shall be compatible with the authorized project and any alternatives currently under study pursuant to the Flood Control Act of 1970.

SEC. 15. The project for flood protection at Saint Louis, Missouri, authorized by the Act of August 9, 1955 (69 Stat. 540), is hereby

modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reconstruct the existing service and access roads along the line of protection so as to adequately carry present and anticipated traffic loads, at an estimated cost of $1,300,000. The conditions of local cooperation recommended by the Chief of Engineers in Senate Document Numbered 57, Eighty-fourth Congress, shall be applicable to the reconstructed access roads. No appropriation for such reconstruction shall be authorized until the engineering plans have been submitted to the Committees on Public Works of the United States Senate and House of Representatives and approved by resolution of such committees.

SEC. 16. (a) The comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfork Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Reservoir. Such bridge shall be constructed by the Chief of Engineers in accordance with such plans as are determined to be satisfactory by the Secretary of the Army to provide adequate crossing facilities. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate, and maintain such bridges and approach facilities free to the public.

(b) The cost of constructing such bridge shall be borne by the United States except that the State of Arkansas shall, upon completion of such bridge, reimburse the United States the sum of $1,342,000 plus interest for the period from May 29, 1943, to the date of the enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest-bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 17. The projects for Melvern Lake and Pomona Lake, Kansas, authorized as units of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, are hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of such projects which he determines to be necessary for appropriate utilization of such projects. The Federal share of the work performed under this section shall not exceed 70 per centum of the costs of such work. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 18. The project for Tuttle Creek Reservoir, Big Blue River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved June 28, 1938, as modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in his discretion to improve that portion of FAS 1208 extending from the intersection with Kansas State Highway 13 in section 5, township 9 south, range 8 east, thence north and west to the intersection with county road in section 14, township 8 south, range 7 east, approximately 5.78 miles. The Federal share of the work performed under this section shall not exceed 70 per centum of the costs of such work. There is authorized to be appropriated to the Secretary not to exceed $500,000 to carry out this section.

SEC. 19. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the Andrew Jackson Lodge Numbered 5, Fraternal Order of Police, of Nashville, Tennessee (hereafter in this section referred to as the "lodge"), all right, title, and interest of the United States in and to that real property consisting of thirty-eight acres, more or less, which is located within the Old Hickory lock and dam project and which is presently leased to the lodge under lease numbered AA-40058-CIVENG-60-431, dated December 1, 1959.

(b) The cost of any surveys necessary as an incident of the conveyance authorized by this section shall be borne by the lodge.

(c) Title to the property authorized to be conveyed by this section shall revert to the United States, which shall have the right of immediate entry thereon, if the lodge shall ever use, or permit to be used, any part of such property for any purpose other than as a youth camp facility.

(d) The conveyance authorized by this section shall be made upon payment by the lodge to the Secretary of the Army of an amount of money equal to the fair market value of the property. The fair market value of such property shall be determined by an independent qualified appraiser acceptable to both the Secretary of the Army and the lodge. No conveyance may be made pursuant to this section after the close of the twelfth month after the month in which this section is enacted.

SEC. 20. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 21. The project for flood protection on the Minnesota River at Mankato-North Mankato, Minnesota, authorized by the Flood Control Act of 1958 and modified by section 207 of the Flood Control Act of 1965, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse the city of Mankato for local costs incurred in relocating that portion of the existing Mankato interceptor sewer extending approximately one thousand six hundred feet upstream and one thousand five hundred feet downstream of the Warren Creek Pumping Station, provided the relocated interceptor sewer is designed and constructed in a manner which the Secretary of the Army determines is fully adequate to serve the project purpose.

SEC. 22. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such States and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(b) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

SEC. 23. Section 123 of the River and Harbor Act of 1970 (84 Stat. 1818, 1823) is hereby amended by adding at the end of subsection (d) of such section the following: "In the event such findings occur after the appropriate non-Federal interest or interests have entered into the agreement required by subsection (c), any payments due after the date of such findings as part of the required local contribution of 25 per centum of the construction costs shall be waived by the Secretary of the Army.".

SEC. 24. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete study of the items of local cooperation involving hold and save harmless provisions which have been required for water resources development projects under his jurisdiction, and his reasons for such requirements, and to report thereon to the Congress not later than June 30, 1975, together with recommendations as to those items of local cooperation which should appropriately be required for various types of water resources development projects.

SEC. 25. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study land use practices and recreational uses at water resource development projects under his jurisdiction, and to report thereon to the Congress not later than June 30, 1975, with recommendations as to the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes.

SEC. 26. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$100,000" and inserting in lieu thereof "$250,000".

SEC. 27. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", by inserting after the words "public works," "churches, hospitals, schools, and other nonprofit public services," and by striking out "$50,000" and inserting in lieu thereof "$250,000".

SEC. 28. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to improve perimeter access at Lake Texoma, Texas and Oklahoma, utilizing existing roads to the extent feasible. There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

SEC. 29. The Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), is amended—

(1) by inserting after "to reconstruct, enlarge, and extend the approaches" in subsection (b) of the first section the following: "(including the eastern approach in Rock Island, Illinois)",

(2) by inserting after "approaches" in subsection (c) of the first section the following: "(other than the eastern approach in Rock Island, Illinois)", and

(3) by inserting at the end of subsection (c) of the first section the following: "The reconstruction, enlargement, and extension of the eastern approach in Rock Island, Illinois, to such bridge pursuant to subsection (b) of this section shall be commenced not later than December 1, 1974, and shall be completed before December 1, 1977.".

SEC. 30. The project for enlargement of Lavon Reservoir on the East Fork of the Trinity River, Texas, authorized by the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide a crossing and approaches at Tickey Creek and suitable surfacing to permit all-weather use of Collin County Road 115, at a cost not to exceed $800,000.

SEC. 31. The project for the Atlantic coast of Long Island, Fire Island Inlet to Montauk Point, New York, authorized in section 101 of the River and Harbor Act of 1960, is hereby modified to provide that non-Federal interests shall (1) contribute 30 per centum of the first cost of the project, including the value of lands, easements, and rights-of-way; (2) hold and save the United States free from damages due to the construction works; and (3) maintain and operate the improvements in accordance with regulations prescribed by the Secretary of the Army.

SEC. 32(a). The Secretary of the Army, act-

ing through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Ohio River, with a view to determining whether bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems; (3) report to Congress the results of the studies together with his recommendations in connection therewith; and (4) undertake measures to construct and evaluate demonstration projects as determined by the Chief of Engineers.

(b) Prior to construction of any periods under subsection (e) non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the projects; hold and save the United States free from damages due to construction, operation, and maintenance of the projects; and operate and maintain the projects upon completion.

(c) There is authorized to be appropriated not to exceed $10,000,000 for the purposes of this section.

SEC. 33. The flood control project for the Scioto River, Ohio, authorized by section 203 of the Flood Control Act of 1962, as modified, is hereby further modified (1) to permit the construction of local protection works at Chillicothe, Ohio, prior to commencement of construction of the Mill Creek Reservoir, and (2) to permit the plan for such works to be devised by the Chief of Engineers so as to provide a degree of protection substantially equivalent to that provided by the project as originally authorized.

SEC. 34. The project for Newburgh lock and dam, authorized under authority of section 6 of the River and Harbor Act approved March 3, 1909, is hereby modified to direct the Secretary of the Army, acting through the Chief of Engineers, to perform bank protection works along the Ohio River at Newburgh, Indiana. Prior to construction, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works, and operate and maintain the works upon completion.

SEC. 35. The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a demonstration pilot study program of bank stabilization on the delta and hill areas of the Yazoo River Basin, Mississippi, substantially in accordance with the recommendations of the Chief of Engineers in his report dated September 23, 1972, at an estimated cost of $9,500,000.

SEC. 36. Section 222 of the Flood Control Act of 1970 (Public Law 91-611) is amended by inserting at the end thereof the following: "The Secretary may also provide for the cost of construction of a two-lane, all-weather paved road (including appropriate two-lane bridges) extending from Old United States Highway 40, near Weimar across the North Fork and Middle Fork of the American River to the Eldorado County Road near Spanish Dry Diggings, substantially in accordance with the report of the Secretary entitled, 'Replacement Alternative Upstream Road System, Auburn Reservoir—June 1970'."

SEC. 37. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Santa Cruz Harbor project, Santa Cruz, California, authorized by the River and Harbor Act of 1958, with particular reference to Federal and non-Federal cost sharing, and to report the findings of such review to Congress within one year after the date of enactment of this section.

SEC. 38. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the project for Anaheim Bay, California, authorized by the River and Harbor Act of 1954 for Seal Beach, California, with particular reference to Federal and non-Federal cost sharing, and to report the findings of such review to Congress within one year after the date of enactment of this section.

SEC. 39. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such emergency bank stabilization works as are necessary to protect the Sacred Heart Hospital in Yankton, South Dakota, from damages caused by bank erosion downstream of Gavins Point Dam, Missouri River.

SEC. 40. The project for navigation at Port San Luis, San Luis Obispo Harbor, California, authorized by the River and Harbor Act of 1965, Public Law 89-298, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to accept in annual installments during the period of construction the required local interest's share of the cost of constructing the general navigation features of such project.

SEC. 41. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a detailed study and report of the total benefits and costs attributable to the water resources development projects undertaken in the Ohio River Basin by the Corps of Engineers. The evaluation of benefits and costs attributable to such projects shall include consideration of the enhancement of regional economic development, quality of the total environment, the well-being of the people, and the national economic development.

(b) The Secretary, acting through the Chief of Engineers, shall report the finding of such study to Congress within two years after funds are made available to initiate the study.

(c) There is authorized to be appropriated to the Secretary not to exceed $2,000,000 to carry out this section.

SEC. 42(a). The comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to provide for emergency bank stabilization works in that reach of the Missouri River between Fort Randall Dam, South Dakota, and Sioux City, Iowa, as determined to be necessary by the Secretary of the Army acting through the Chief of Engineers. Such determination shall be made in cooperation with the Governors of South Dakota and Iowa with regard to priority of locations to be protected and the nature of the protective works. Prior to the construction of any works under this subsection, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction and subsequent operation of the works; hold and save the United States free from damages due to construction, operation, and maintenance of the works; and operate and maintain the works upon completion.

(b) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to (1) make an intensive evaluation of streambank erosion along the Missouri River between Fort Randall Dam, South Dakota, and Sioux City, Iowa, with a view to determining whether additional bank protection works should be provided at this time; (2) develop and evaluate new methods and techniques for bank protection, conduct research on soil stability, identify the causes of erosion, and recommend means for prevention and correction of the problems, and (3) report to the Congress the results of the studies together with his recommendations in connection therewith.

(c) There is authorized to be appropriated not to exceed $8,000,000 for the purposes of this section.

SEC. 43. Any proposed road to the Zilpo Recreation Area shall not be constructed under the Cave Run Lake project in Kentucky authorized by the Flood Control Acts approved June 22, 1936, and June 28, 1938, which bisects those lands in the Daniel Boone National Forest, Kentucky, designated as the Pioneer Hunting Area.

SEC. 44. (a) Subject to the provisions of subsection (b) of this section, the Secretary of the Army is authorized and directed to convey to the Mountrail County Park Commission of Mountrail County, North Dakota, all rights, title, and interest of the United States in and to the following described tracts of land:

TRACT NUMBER 1

All of the land which lies landward of a line, which line is 300 feet above and measured horizontally from contour elevation 1,850 mean sea level of old Van Hook Village in the northeast quarter of section 32, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 2

All of the land which lies landward of a line which line is 300 feet above and measured horizontally from contour elevation 1,850 mean sea level of Olson's first addition, part of the southwest quarter of section 29, township 152, range 91 west of the fifth guide meridian.

TRACT NUMBER 3

Hodge's first addition, part of the northeast quarter of section 32, township 152, range 91, west of the fifth guide meridian.

(b)(1) The conveyance of such portion of the lands described in subsection (a) as is being used by the North Dakota State Game and Fish Department for wildlife management purposes shall not become effective until the termination of the license granted to such department for such use either in accordance with its original terms on October 31, 1980, or at any time prior thereto.

(2) The lands conveyed pursuant to this section shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, solely for public park and recreational purposes, and if such lands are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereof.

(3) The conveyance authorized by this section shall be subject to such other terms and conditions as the Secretary of the Army deems to be in the public interest.

(c) The Mountrail County Park Commission shall pay the costs of such surveys as may be necessary to determine the exact legal description of the lands to be conveyed and such sums as may be fixed by the Secretary of the Army to compensate the United States for its administrative expenses in connection with the conveyance of such lands, which sum shall be covered into the Treasury into miscellaneous expenses.

SEC. 45. (a) Section 252 of the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1757) is amended by adding at the end thereof the following:

"(d) For the purposes of this section, 'net cost' and 'net costs' of repairing, restoring, reconstructing, or replacing any such facility shall include the costs actually incurred in replacing the facility's services with services from other sources during the period of repair, restoration, reconstruction, or replacement of such facility, to the extent such costs exceed the costs which would have been in-

curred in providing such services but for the disaster."

(b) The amendment made by section (a) of this section shall take effect as of August 1, 1969.

SEC. 46. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend the contract between the city of Aberdeen, Washington, and the United States for use of storage space in the Wynoochee Dam and Lake on the Wynoochee River, Washington, for municipal and industrial water supply purposes. Such amended contract shall provide that the costs allocated to present demand water supply, shall be repaid over a period of fifty years after the project is first used for the storage of water for water supply purposes. The first annual payment shall be a minimum of 0.2 per centum of the total amount to be repaid. The annual payments shall be increased by 0.2 per centum each year until the tenth year at which time the payment shall be 2 per centum of the total initial amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment.

SEC. 47. The project for Wynoochee Dam and Lake, Wynoochee River, Washington, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to transfer to the State of Washington, as a part of project costs, an amount not to exceed $696,000 for construction of fish hatchery facilities for prevention of losses of natural spawning areas for anadromous trout occasioned by project construction.

SEC. 48. Section 7 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendment Act of 1970 (84 Stat. 310) is hereby amended to read as follows:

"SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount not to exceed $4,000,000 may be used in the construction of fish hatchery facilities and the performance of related services, for prevention of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers."

SEC. 49. (a) The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to acquire not more than twelve thousand acres of land for the prevention of wildlife grazing losses caused by the project.

(b) The Secretary is further authorized and directed to convey without monetary consideration, to the State of Montana all right, title, and interest of the United States in the land acquired under subsection (a), for use for wildlife grazing purposes. The deed of conveyance shall provide that the land shall revert to the United States in the event it ever ceases to be used for wildlife grazing purposes.

(c) There is authorized to be appropriated not to exceed $2,000,000 to carry out the provisions of this section.

SEC. 50. The project for Libby Dam (Lake Koocanusa), Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse Boundary County, Idaho, for the cost incurred to elevate, relocate, or reconstruct the bridge, located at the mouth of Deep Creek as it joins the Kootenai River, made necessary by the duration of higher flows during drawdown operations at Libby Dam. There is authorized to be appropriated not to exceed $300,000 for the purposes of this section.

SEC. 51. If the Secretary of the Army, acting through the Chief of Engineers, finds that the proposed project to be erected at the location to be declared non-navigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filing and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then those portions of the East River in New York County, State of New York, bounded and described as follows are hereby declared to be not navigable waters of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: That portion of the East River in New York County, State of New York, lying shoreward of a line with the United States pierhead line as it exists on the date of enactment of this Act, bounded on the north by the south side of Rutgers Slip extended easterly, and bounded on the south by the southeasterly border of Battery Park at a point adjacent to the westerly end of South Street extended south by southwest, is hereby declared to be non-navigable waters of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

SEC. 52. The project for hurricane-flood control protection from Cape Fear to the North Carolina-South Carolina State line, North Carolina, authorized by the Flood Control Act of 1966 (80 Stat. 1418, 1419) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, may enter into an agreement with non-Federal public bodies to provide for reimbursement of installation costs incurred by such bodies, or an equivalent reduction in the contributions they are otherwise required to make, or a combination thereof, in an amount not to exceed $2,000,000 for work to be performed in the project, subject to the provisions of subsections (b) through (e) of section 215 of the Flood Control Act of 1968.

SEC. 53. The project for flood protection on the Grand River and tributaries, Missouri and Iowa, authorized by the Flood Control Act of 1965 is hereby modified to authorize and direct the Chief of Engineers to immediately proceed with the engineering and design of the Pattonsburg Lake project as presently authorized and to include provisions necessary so as not to preclude the subsequent addition of a complete power installation provided that prior to initiation of construction the Chief of Engineers would submit to Congress a report on the scale and scope of the project which best meets the needs of the area for further action by Congress as appropriate.

SEC. 54. (a) This section may be cited as the "Shoreline Erosion Control Demonstration Act of 1972".

(b) The Congress finds that because of the importance and increasing interest in the coastal and estuarine zone of the United States, the deterioration of the line of the shore within this zone due to erosion, the narm to water quality and marine life from shoreline erosion, the loss of recreational potential due to such erosion, the financial loss to private and public landowners resulting from shoreline erosion, and the inability of such landowners to obtain satisfactory financial and technical assistance to combat such erosion, it is essential to develop, demonstrate, and disseminate information about low-cost means to prevent and control shoreline erosion. It is therefore the purpose of this section to authorize a program to develop and demonstrate such means to combat shoreline erosion.

(c) (1) The Secretary of the Army, acting through the Chief of Engineers, shall establish and conduct for a period of five fiscal years a national shoreline erosion control development and demonstration program. The program shall consist of planning, constructing, operating, evaluating, and demonstrating prototype shoreline erosion control devices, both engineered and vegetative.

(2) The program shall be carried out in cooperation with the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion, and in cooperation with Federal, State, and local agencies, private organizations, and the Shoreline Erosion Advisory Panel established pursuant to subsection (d).

(3) Demonstration projects established pursuant to this section shall emphasize the development of low-cost shoreline erosion control devices. Such projects shall be undertaken at no less than two sites each on the shorelines of the Atlantic, Gulf, and Pacific coasts, and of the Great Lakes. Sites selected should, to the extent possible, reflect a variety of geographical and climatic conditions.

(4) Such demonstration projects may be carried out on private or public lands except that no funds appropriated for the purpose of this section may be expended for the acquisition of privately owned lands. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with a non-Federal interest or interests who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) (1) No later than one hundred and twenty days after the date of enactment of this section the Chief of Engineers shall establish a Shoreline Erosion Advisory Panel. The Chief of Engineers shall appoint fifteen members to such Panel from among individuals who are knowledgeable with respect to various aspects of shoreline erosion, with representatives from various geographical areas, institutions of higher education, professional organizations, State and local agencies, and private organizations, except that such individuals shall not be regular full-time employees of the United States. The Panel shall meet and organize within ninety days from the date of its establishment, and shall select a Chairman from among its members. The Panel shall then meet at least once each six months thereafter and shall expire ninety days after termination of the five-year program established pursuant to subsection (c).

(2) The Panel shall—

(A) advise the Chief of Engineers generally in carrying out provisions of this section;

(B) recommend criteria for the selection of development and demonstration sites;

(C) recommend alternative institutional, legal, and financial arrangements necessary to effect agreements with non-Federal sponsors of project sites;

(D) make periodic reviews of the progress of the program pursuant to this section;

(E) recommend means by which the knowledge obtained from the project may be made readily available to the public; and

(F) perform such functions as the Chief of Engineers may designate.

(3) Members of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at rates fixed by the Chief of Engineers, but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under sec-

tion 5332 of title 5 of the United States Code, including traveltime and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in Government service employed intermittently.

(4) The Panel is authorized, without regard to the civil service laws, to engage such technical and other assistance as may be required to carry out its functions.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall prepare and submit annually a program progress report, including therein contributions of the Shoreline Erosion Advisory Panel, to the Committees on Public Works of the Senate and House of Representatives. The fifth and final report shall be submitted sixty days after the end of the fifth fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control development and demonstration program.

(f) There is authorized to be appropriated not to exceed $8,000,000 to carry out the provisions of this section.

SEC. 55. The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide technical and engineering assistance to non-Federal public interests in developing structural and nonstructural methods of preventing damages attributable to shore and streambank erosion.

SEC. 56. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, plan, and construct projects for the control of streambank erosion in the United States, its possessions, and the Commonwealth of Puerto Rico, in the interests of reducing damages from erosion, the deposition of sediment in lakes and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion, when in the opinion of the Chief of Engineers such projects are consistent with the objectives of sound flood plain management and will result in substantial public benefits through the provision of needed protection to public, residential, and commercial properties.

(b) No such project shall be constructed under this section if the estimated Federal first cost exceeds $250,000. Any such project shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of survey reports.

(c) For all projects undertaken pursuant to this section, appropriate non-Federal interests shall agree that they will—

(1) provide without costs to the United States all lands, easements, and rights-of-way necessary for the construction of the project;

(2) hold and save the United States free from damages due to construction;

(3) operate and maintain all the works after completion in accordance with regulations prescribed by the Secretary of the Army; and

(4) contribute 25 per centum of the first cost of the project.

(d) The authority contained in this section is supplemental to, and not in lieu of, the authority contained in section 14 of the Act approved July 24, 1946 (60 Stat. 653), as amended, and section 155 of this Act.

(e) There is authorized to be appropriated not to exceed $10,000,000 per annum for the construction of the projects authorized by this section.

SEC. 57. The authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pennsylvania, as provided in section 101 of the River and Harbor Act of 1960 (74 Stat. 480) is reinstated and extended, under the terms existing immediately prior to the termination of such authorization, for a period of five years from the date of enactment of this Act, or if the review study of such project being carried out by the Secretary of the Army is not completed prior to the end of such period, until such study is completed and a report thereon submitted to the Congress. There is authorized to be appropriated not to exceed $3,500,000 to carry out this section.

SEC. 58. (a) The project for navigation in the Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by the River and Harbor Act of 1968 (82 Stat. 731) is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of spoil, and of necessary retaining dikes, bulkheads, and embankments therefor.

(b) The requirements for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 59. Notwithstanding any other provision of law, the States of Illinois and Iowa, which are connected at Keokuk, Iowa, by the bridge constructed by the Keokuk and Hamilton Bridge Company pursuant to Public Law 342 of the Sixty-third Congress and at Burlington, Iowa, by the bridge constructed by the Citizens' Bridge Company, pursuant to Public Law 1 of the Sixty-fourth Congress are authorized to contract individually or jointly with either or both of the cities of Keokuk, Iowa, and Burlington, Iowa, on or before June 1, 1974, to assume responsibility for the operation, maintenance, and repair of the bridges at Keokuk and Burlington and the approaches thereto and for lawful expenses incurred in connection therewith. When either or both States have entered into such an agreement any outstanding principal and interest indebtedness on account of a bridge shall be paid from reserve funds accumulated for that purpose and the balance of such funds, if any, shall be used to defray costs of operating and maintaining the bridge. After such an agreement is entered into with respect to a bridge that bridge shall thereafter be free of tolls.

SEC. 60. The Secretary of the Army, acting through the Chief of Engineers is authorized and directed to perform channel cleanout operations and snagging and clearing for selected streams where chronic and persistent flood conditions exist in the lower Guyandot River Basin, West Virginia, for the purpose of improving channel capacities, visual environment, and human well-being all in the interest of flood control. Such operations shall be performed as an interim measure pending completion of the R. D. Bailey Lake project at a total cost not to exceed $2,000,000. Appropriate non-Federal interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of remedial operations, agree in accordance with the provisions of section 221 of the Flood Control Act of 1970 that they will furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the cleanout operations.

SEC. 61. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct small flood protection projects not specifically authorized by Congress, and not within areas intended to be protected by projects so authorized, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable and protects an area which has been declared to be a major disaster area pursuant to the Disaster Relief Act of 1966 or the Disaster Relief Act of 1970 in the preceding five-year period, except that not more than $2,000,000 shall be allotted for this purpose for any one project. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation except as may result from the normal procedure applying to projects authorized after submission by preliminary examination and survey reports. There is authorized not to exceed $25,000,000 in each fiscal year for the next five fiscal years to carry out this section.

SEC. 62. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to perform such work as may be necessary to provide for the repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky and West Virginia.

(b) The work authorized by this section shall have no effect on the condition that local interests shall own, operate, and maintain the structure and realted properties as required by the Act of August 6, 1956 (70 Stat. 1062).

(c) There is authorized to be appropriated not to exceed $330,000 to carry out this section.

SEC. 63. The project for hurricane-flood control at Texas City and vicinity, Texas, authorized by the Flood Control Act approved August 13, 1968, is hereby modified to provide that the non-Federal interests shall have until July 1, 1974, to provide the assurances of local cooperation required in accordance with the recommendations of the Chief of Engineers in House Document Numbered 187, Ninetieth Congress.

SEC. 64. Subsection (b) of section 206 of the Flood Control Act of 1960, as amended (33 U.S.C. 709a), is further amended by striking out "$11,000,000" and inserting in lieu thereof "$15,000,000".

SEC. 65. In the case of any reservoir project authorized for construction by the Corps of Engineers, Bureau of Reclamation, or other Federal agency when the Administrator of the Environmental Protection Agency determines pursuant to section 102(b) of the Federal Water Pollution Control Act that any storage in such project for regulations of streamflow for water quality is not needed, or is needed in a different amount, such project may be modified accordingly by the head of the appropriate agency, and any storage no longer required for water quality may be utilized for other authorized purposes of the project when, in the opinion of the head of such agency, such use is justified. The provisions of the section shall not apply to any project where the benefits attributable to water quality exceed 20 per centum of the total project benefits.

SEC. 66. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake measures to clear the channel of the main channel of the Little Calumet River, Illinois, from its confluence with the Calumet-Sag channel eastward to Indiana State line, of fallen trees, roots, silt, and other debrits and objects which contribute to flooding, unsightliness, and pollution of the river.

(b) Prior to initiation of measures authorized by this section, such non-Federal interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through

the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

SEC. 67. The Secretary of the Army, acting through the Chief of Engineers, is authorized to make a detailed study and report of such plans as he may deem feasible and appropriate for the use of the New River from the headwaters of its South and North forks to the town of Fries, Virginia. Such study and report shall include the recreational, conservation, and preservation uses of such area. The Secretary, acting through the Chief of Engineers, shall consult with the Bureau of Outdoor Recreation, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency. Notwithstanding any other provision of law, no Federal agency or entity shall license or otherwise give permission under any Act of the Congress to the construction of any dam or reservoir on or directly affecting the New River from the headwaters of its South and North forks to the town of Fries, Virginia, until two years after the report authorized by this section has been submitted to the Congress.

SEC. 68. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the comprehensive study and plan of development, Lower Rio Grande Basin, Texas, dated July 1969, prepared by the United States Department of Agriculture in cooperation with the Texas Water Development Board, the Texas State Soil and Water Conservation Board, and the Texas Water Rights Commission and to report thereon to the Congress. Such review shall specifically include the proposed Willacy-Hidalgo Floodwater Bypass, the Laguna Madre Floodwater Channel, and the North Floodway Channel in the Lower Rio Grande Basin in Willacy, Hidalgo, and Cameron Counties, Texas, as generally described in the recommendations for phase I contained in such report.

SEC. 69. The project for beach erosion control and hurricane (tidal flooding) protection in Dade County, Florida, authorized by section 103 of the Flood Control Act of August 13, 1968 (Public Law 90–483), is hereby modified to provide for initial construction by non-Federal interests, and for subsequent future nourishment by Federal or non-Federal interests, of the 0.85-mile project segment immediately south of Baker's Haulover Inlet, and for reimbursement of the applicable Federal share of those project costs as originally authorized. Federal reimbursement shall be contingent upon approval by the Chief of Engineers, prior to commencement of the work, of the detailed plans and specifications for accomplishing the work as being in accordance with the authorized project.

SEC. 70. Section 107(b) of the River and Harbor Act of 1970 (84 Stat. 1818, 1820) is hereby amended by deleting "July 30, 1974" and inserting in lieu thereof "December 31, 1976", and deleting "$6,500,000" and inserting in lieu thereof "$9,500,000".

SEC. 71. The Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress not later than June 30, 1974, the survey report authorized by resolution of the Committee on Public Works, House of Representatives, dated October 12, 1972, concerning a modification of the Corpus Christi ship channel, Texas, project to provide increased depths and widths in the entrance channels from the Gulf of Mexico to a deeper draft inshore port in the vicinity of Harbor Island, Texas, and shall complete the advanced engineering and design for such modification by June 30, 1975. Such advanced engineering and design may be accomplished prior to authorization of the modification. The Secretary of the Army, acting through the Chief of Engineers, is authorized to accept funds made available by non-Federal interests and to expend such funds for the the preparation of the survey report and accomplishment of the advanced engineering and design authorized and directed by this section. Such funds shall be repaid to such non-Federal interests out of moneys appropriated for construction of the modification.

SEC. 72. The project for hurricane-flood protection and beach erosion control at East Rockaway Inlet to Rockaway Inlet and Jamaica Bay, New York, authorized by the Flood Control Act of 1965 (79 Stat. 1073), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to commence work on the beach erosion control aspect of the project, independently of the hurricane-flood protection aspect of the project. Construction of the beach erosion control aspect of the project may commence following the completion of environmental studies regarding that aspect, conducted pursuant to the National Environmental Policy Act of 1969.

SEC. 73. (a) In the survey, planning, or design by any Federal agency of any project involving flood protection, consideration shall be given to nonstructural alternatives to prevent or reduce flood damages including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreational, fish and wildlife, and other public purposes; and relocation with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages.

(b) Where a nonstructural alternative is recommended, non-Federal participation shall be comparable to the value of lands, easements, and rights-of-way which would have been required of non-Federal interests under section 3 of the Act of June 27, 1936 (Public Law Numbered 738, Seventy-fourth Congress), for structural protection measures, but in no event shall exceed 20 per centum of the project costs.

SEC. 74. The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, authorized by the Flood Control Acts of 1966 and 1970, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers to initiate construction of the area VIII feature of the project, consisting of a low-flow dam, pumping station and pipeline, and a brine dam, prior to the approval required by section 201, of the Flood Control Act of 1970.

SEC. 75. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study the need for and means of providing visitor protection services at water resources development projects under the jurisdiction of the Department of the Army, and to report thereon to the Congress, with his recommendations, not later than December 31, 1974.

SEC. 76. The paragraph of section 209 of the Flood Control Act of 1966, Public Law 89–789, authorizing and directing the Secretary of the Army, acting through the Chief of Engineers, to conduct a survey of the Great South Bay, New York, is amended to read as follows:

"Great South Bay, New York, including the waters of adjoining lesser bays and inlets with respect to water utilization and control. Such investigations and study shall include, but not be limited to, navigation, fisheries, flood control, control of noxious weeds, water pollution, water quality control, beach erosion, and recreation. Such survey shall be provided to the Congress by July 31, 1975, and shall include the use of a comprehensive computer model."

SEC. 77. (a) The Federal Water Project Recreation Act (79 Stat. 213) is hereby amended as follows:

(1) Strike out "and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be" in section 2(a) and insert in lieu thereof "and to bear one-half the separable costs of the project allocated to recreation, one-quarter of such costs allocated to fish and wildlife enhancement".

(2) Strike out "not more than one-half the seperable costs" in section 2(a)(3) and insert in lieu thereof "one-half the separable costs of the project allocated to recreation and three-quarters of such costs allocated to fish and wildlife enhancement".

(3) Strike out "bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be" in section 3(b)(1) and insert in lieu thereof "bear one-half the costs of lands, facilities, and project modifications provided for recreation, one-quarter of such costs for fish and wildlife enhancement".

(b) The amendments made by this section shall apply to all projects the construction of which is not substantially completed on the date of enactment of this Act.

(c) In the case of any project (1) authorized subject to specific cost-sharing requirements which were based on the same percentages as those established in the Federal Water Project Recreation Act, and (2) construction of which is not substantially completed on the date of enactment of this Act, the cost-sharing requirements for such project shall be the same percentages as are established by the amendments made by subsection (a) of this section for projects which are subject to the Federal Water Project Recreation Act.

SEC. 78. The project for flood protection on Indian Bend Wash, Maricopa County, Arizona, authorized by the Flood Control Act of 1965 (79 Stat. 1083) is hereby modified to provide that all costs of the siphon system from the Arizona Canal, required to be provided in connection with the relocation of irrigation facilities, shall be paid by the United States.

SEC. 79. The multiple purpose plan for the improvement of the Arkansas River and tributaries, authorized by the Rivers and Harbors Act of July 24, 1946, as amended and modified, is hereby further amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to reassign the storage provided in the Oologah Reservoir for hydroelectric power production to municipal and industrial water supply and to make such storage available for such purposes under the Water Supply Act of 1958, as amended.

SEC. 80. (a) The interest rate formula to be used in plan formulation and evaluation for discounting future benefits and computing costs by Federal officers, employees, departments, agencies, and instrumentalities in the preparation of comprehensive regional or river basin plans and the formulation and evaluation of Federal water and related land resources projects shall be the formula set forth in the "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published as Senate Document 97 of the Eighty-seventh Congress on May 29, 1962, as amended by the interest rate formula issued by the Water Resources Council and published in the Federal Register on December 24, 1968 (33 F.R. 19170; 18 C.F.R. 704.39), until otherwise provided by a statute enacted after the date of enactment of this Act. Every provision of law and every administrative action in conflict with this section is hereby repealed to the extent of such conflict.

(b) In the case of any project authorized before January 3, 1969, if the appropriate non-Federal interests have, prior to December 31, 1969, given satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used in the computation of benefits and costs for such project shall be the rate in effect immediately prior to December 24, 1968, and that rate shall continue to be used for such project

until construction has been completed, unless otherwise provided by a statute enacted after the date of enactment of this Act.

SEC. 81. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study the feasibility and practicality of constructing, operating, and maintaining in the vicinity of Duluth, Minnesota, a hydraulic model of all or a part of the Great Lakes and their connecting channels and an associated technical center, and to report thereon to the Congress with recommendations not later than June 30, 1976.

SEC. 82. Section 5 of the Flood Control Act approved August 18, 1941 as amended (33 U.S.C. 701n), is amended as follows:

(1) The first sentence is amended by striking out "in the amount of $15,000,000".

(2) By inserting immediately after the first sentence the following new sentence: "The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean drinking water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated drinking water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality."

(3) The proviso in the next to the last sentence is amended by striking out "of said sum," and inserting in lieu thereof the following: "of sums to such emergency fund,".

SEC. 83. (a) The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 30, 1935 (49 Stat. 1028) and the Act of August 20, 1937 (50 Stat. 731) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, in connection with the construction of the Bonneville second powerhouse, to relocate the town of North Bonneville, Washington, to a new townsite.

(b) As part of such relocation, the Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate in the planning of a new town with other Federal agencies and appropriate non-Federal interests; to acquire lands necessary for the new town and to convey title to said lands to individuals, business or other entities, and to the town as appropriate; and to construct a central sewage collection and treatment facility and other necessary municipal facilities.

(c) The compensation paid to any individual or entity for the taking of property under this section shall be the amount due such individual for entity under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 less the fair market value of the real property conveyed to such individual or entity in the new town. Municipal facilities provided under the authority of this section shall be substitute facilities which serve reasonably as well as those in the existing town of North Bonneville except that they shall be constructed to such higher standards as may be necessary to comply with applicable Federal and State laws. Additional facilities may be constructed, or higher standards utilized, only at the expense of appropriate non-Federal interests.

(d) Before the Secretary of the Army acquires any real property for the new townsite appropriate non-Federal interests shall furnish binding contractual commitments that all lots in the new townsite will be either occupied when available, will be replacements for open space and vacant lots in the existing town, or will be purchased by non-Federal interests at the fair market value.

SEC. 84. (a) The project for flood protection on Four-mile Run, city of Alexandria and Arlington County, Virginia, approved by resolutions of the Committees on Public Works of the United States Senate and House of Representatives, dated June 25, 1970, and July 14, 1970, respectively, in accordance with the provisions of section 201 of the Flood Control Act of 1965 (Public Law 84–298), is hereby modified to incorporate the following:

(1) A channel capacity sufficient to accommodate flood flows of twenty-seven thousand cubic feet per second;

(2) An increase in channel bottom widths along Fourmile Run from one hundred seventy-five to two hundred feet from Mount Vernon Avenue to Long Branch and from one hundred fifty to one hundred seventy-five feet above Long Branch, and, along Long Branch, from forty to sixty feet.

(3) The deletion of the pumping stations, ponding areas, and levees, except for a short levee on Long Branch and the substitution therefor of bank retention structures, including walls where required due to space limitations, and flood proofing by non-Federal interests of existing and future structures as necessary to provide protection against a one hundred-year flood;

(4) The addition of recreation as project feature including pedestrian and bike trails, active and passive recreation areas, picnic areas, and protection of existing marshland area.

(b) Prior to initiation of construction of this project, appropriate non-Federal interests shall agree to—

(1) provide without cost to the United States all lands, easement, and rights-of-way necessary for construction of the project;

(2) accomplish without cost to the United States all relocations and alterations to existing improvements, other than railroads and the George Washington Memorial Parkway Bridge, which may be required by the construction works, including the reconstruction of the existing United States Route 1 highway bridge with its approach ramps;

(3) hold and save the United States free from damages due to the construction works;

(4) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army;

(5) prevent encroachment on the project flood channels that would decrease the effectiveness of the flood control improvement;

(6) provide at their own expense flood proofing of existing and future building and other measures as necessary to provide flood protection against a one hundred-year flood;

(7) develop a land management planning process acceptable to the Secretary of the Army for the entire watershed, including political jurisdictions of Arlington and Fairfax Counties and the cities of Alexandria and Falls Church, to insure that future development in the basin will not result in increased runoff which would impair the effectiveness of the flood control improvement;

(8) develop a land use management planning process satisfactory to the Secretary of the Army for the area protected by the project and other areas within the jurisdiction of the non-Federal interest or interests furnishing the cooperation for the project, which will insure, among other things, that future development will not be permitted in flood prone areas unless suitable structural or non-structural flood control measures are first undertaken by non-Federal public or private interests at no expense to the Federal Government;

(9) contribute in cash toward construction of the project a sum estimated at $2,439,000, as follows:

(A) city of Alexandria—one-half the cost of construction of the channels and floodwalls between Commonwealth Avenue and Interstate 95, or $1,500,000, whichever is greater,

(B) Arlington County—$500,000,

(C) Richmond, Fredericksburg, and Potomac Railroad Company—$439,000;

(10) pay 50 per centum of the separable costs of the project allocated to recreation, consistent with the Federal Water Project Recreation Act (Public Law 89–72).

(c) There is authorized to be appropriated to the Secretary of the Army for construction of the Fourmile Run project not to exceed $29,981,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in the cost of construction as indicated by engineering cost indexes applicable to the type of construction involved.

SEC. 85. (a) The projects for Verona Dam and Lake, Virginia, and for Sixes Bridge Dam and Lake, Maryland, are hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343 as modified by the recommendations of the Chief of Engineers in his report dated July 13, 1973, except that such authorization shall be limited to the phase I design memorandum of advanced engineering and design, at an estimated cost of $1,400,000.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake an investigation and study of the use of waters in the Potomac River estuary as a source of water supply for the Washington metropolitan area, including the construction, operation, and evaluation of a pilot plant for the treatment of such waters, at an estimated cost of $6,000,000.

(c) The Secretary of the Army, acting through the Chief Engineers, is authorized and directed to review the comprehensive study of the Potomac River basin contained in House Document Numbered 91–343 and to report thereon to the Congress with recommendations as to those water resources development and conservation measures which are needed to meet the future water resources needs of the Washington metropolitan area, including water supply; water quality; wastewater management alternatives; flood control, including structural and nonstructural alternatives; recreation; fish and wildlife enhancement; and other purposes. The study of measures to meet the water supply needs of the Washington metropolitan area shall be coordinated with the Northeastern United States water supply study authorized by the Act of October 27, 1965 (79 Stat. 1073).

SEC. 86. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to assist the National Park Service in the National Park Service's program to plan for, design, and implement restoration of the historical and ecological values of Dyke Marsh on the Potomac River. Such assistance may include, but need not be limited to, furnishing suitable fill material obtained from the Potomac River or its tributaries, its placement, upon request, and engineering and technical services.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make an investigation and study of the siltation and sedimentation problems of the Potomac River basin with particular emphasis on these problems as they exist in the Washington metropolitan area of the basin. This study is to be made in consultation with the Departments of Interior and Agriculture, the Environmental Protection Agency, and other interested Federal, State, and local entities and is to include, but need not be limited to, a description of the extent of such problems together with the Chief of Engineer's recommendations on feasible and environmentally sound methods of removing polluted river bed materials to enhance water quality, recreation use, fish and wildlife, navigation, and the esthetics of the basin, as well as his recommendations on alternative methods and sites for the proper disposal of such materials, The Secretary of the Army shall transmit this study and the Chief of Engineer's recommendations to the Congress no later than three years from the date of enactment of this Act.

SEC. 87. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the comprehensive plan for flood control and other purposes for the Mississippi River and tributaries, approved by the Flood Control Act of June 15, 1936, as amended, to determine the feasibility of modifying the project to provide that the channel of Bayou Courtableau be enlarged from Washington to the west protection levee in lieu of the authorized Washington-to-Courtableau diversion, and that additional culverts through the west protection levee be provided as necessary for the increased flow.

SEC. 88. (a) The project for flood control below Chatfield Dam on the South Platte Control Act of 1950 (64 Stat. 175), is hereby River, Colorado, authorized by the Flood modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately down stream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, acting through the Chief of Engineers, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 89. The project for the Rogue River, Oregon and California, authorized by section 23 of the Flood Control Act of 1962 (76 Stat. 1173, 1192) is hereby modified to provide that, with respect to the irrigation aspect of the Applegate Dam and Reservoir, appropriate non-Federal interests shall make necessary arrangements with the Secretary of the Interior, prior to use of the project for irrigation, for repayment under the provisions of the reclamation laws of the costs allocated to irrigation.

SEC. 90. That plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide all communities in the Tug Fork Valley of the Big Sandy River Basin, Kentucky, Virginia, and West Virginia, with comprehensive flood protection by a combination of local flood protection works and residential flood proofing similar to the measures described by the Chief of Engineers in the "Report on Tug Fork, July 1970", except that such authorization shall be limited to the phase I design memorandum stage of advanced engineering and design at an estimated cost of $1,290,000.

SEC. 91. The New York Harbor collection and removal of drift project is hereby modified in accordance with the recommendations contained in "Survey Report on Review of Project, New York Harbor Collection and Removal of Drift," dated June 1968, revised March 1969, and April 1971, on file in the Office, Chief of Engineers. There is authorized to be appropriated not to exceed $14,000,000 to carry out the modification authorized by this section.

SEC. 92. (a) The hurricane-flood protection project on Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298) is hereby modified to provide that non-Federal public bodies may agree to pay the unpaid balance of the cash payment due, with interest, in yearly installments. The yearly installments will be initiated when the Secretary determines that the project is complete but in no case shall the initial installment be delayed more than ten years after the initiation of project construction. Each installment shall not be less than one twenty-fifth of the remaining unpaid balance plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment, including interest, within twenty-five years of the initiation of project construction.

(b) The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85–500).

(c) Any payment agreement pursuant to the provisions of this Act shall be in writing, and the provisions of subsections (b), (c), and (e) of section 221 of the Flood Control Act of 1970 (Public Law 91–611) shall be applicable to such written agreement.

SEC. 93. Section 107 of the River and Harbor Act of 1948 (62 Stat. 1174) is amended by striking out "$22,000" and inserting in lieu thereof "$45,000".

SEC. 94. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed, in coordination with the State of Kentucky and appropriate local agencies, (1) to repair existing flood damage to River Road at Rabbit Hash, Boone County, Kentucky, or, as appropriate, to relocate River Road, (2) to repair existing flood damage to Huff Road (also known as Ryle Road) at Hamilton Landing, Boone County, Kentucky, or, as appropriate, to relocate Huff Road, and (3) to construct needed streambank protection works to prevent future erosion damage to public and private facilities at and near Boone County, Kentucky.

(b) There is authorized to be appropriated not to exceed $375,000 for the roadwork authorized by this section and not to exceed $600,000 to construct the bank protection works.

SEC. 95. The project for Russian River, Dry Creek, California, as authorized in section 203 of the Flood Control Act of 1962 (76 Stat. 1173), as modified, is further modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to compensate for fish losses on the Russian River which may be attributed to the operation of the Coyote Dam component of the project through measures such as possible expansion of the capacity of the fish hatchery at the Warm Springs Dam component of the project.

SEC. 96. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to investigate and study the feasibility of acquiring, as a part of the project for Kehoe Lake, Kentucky, authorized by the Flood Control Act of 1966, an area consisting of approximately 4,000 acres for maintenance in its natural state and for the purpose of environmental investigations.

SEC. 97. (a) If the Secretary of the Army acting through the Chief of Engineers, finds that the proposed project in Salisbury, Maryland, to be undertaken at the locations to be declared nonnavigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of any bulkheading and filling and permanent pile-supported structures, in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969, then those portions of the South Prong of the Wicomico River in Wicomico County, State of Maryland, bounded and described as follows, are declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given, consistent with subsection (b) of this section, to the filling in of a part thereof or the erection of permanent pile-supported structures thereon: That portion of the South Prong of the Wicomico River in Salisbury, Maryland, bounded on the east by the west side of United States Route 13; on the west by the west side of the Mill Street Bridge; on the south by a line five feet landward from the present water's edge at high tide extending the entire length of the South Prong from the east boundary at United States Route 13 to the west boundary at the Mill Street Bridge; and on the north by a line five feet landward from the present water's edge at high tide extending the entire length of the South Prong from the east boundary at United States Route 13 to the west boundary at the Mill Street Bridge.

(b) This declaration shall apply only to the portions of the areas described in subsection (a) which are bulkheaded and filled or occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Such bulkheaded and filled areas or areas occupied by permanent pile-supported structures shall not reduce the existing width of the Wicomico River to less than sixty feet and a minimum depth of five feet shall be maintained within such sixty-foot width of the Wicomico River. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

SEC. 98. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the removal of silt and aquatic growth from Broadway Lake, Anderson County, South Carolina, at an estimated cost of $400,000.

SEC. 99. The Cache River Basin feature, Mississippi River and tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92–366, at an estimated cost of $5,232,000. The Secretary of the Army is also authorized to undertake all or part of the additional fish and wildlife enhancement measures recommended by the Department of the Interior in its comments in such House document. Such measures shall not exceed thirty thousand acres of land. Appropriate non-Federal interests shall contribute 100 per centum of the costs of any such measures undertaken. The provisions of this section shall be effective only if approved by the district court for the Eastern District of Arkansas, Western Division, in its decision in the case of E.D.F. and others vs. Froehlke, and others.

SEC. 100. The Knife River Harbor project on Lake Superior, Minnesota, is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to construct such measures as the Chief of Engineers determines necessary to correct the design deficiency which results in unsatisfactory entrance and mooring conditions at such harbor, at an estimated cost of $850,000.

SEC. 101. The project for flood protection on the Rahway River, New Jersey, authorized by the Flood Control Act of 1965 is hereby modified to provide that the costs of relocations of utilities within the channel walls shall be borne by the United States.

SEC. 102. This title may be cited as the "Water Resources Development Act of 1973".

Mr. ROBERTS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title I be dispensed with, that it be 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. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: Page 98, strike out lines 18 through 23 and insert in lieu thereof the following:

"SEC. 43. Any proposed road to the Zilpo Recreation Area shall not be constructed under the Cave Run Lake project in Kentucky authorized by the Flood Control Acts approved June 22, 1936, and June 28, 1938, until there is a full opportunity for public review and comment on the environmental impact statement pertaining to any such proposed road."

Mr. ROBERTS. Mr. Chairman, a provision was included in last year's vetoed bill and in this year's bill, as reported out of subcommittee, which provided that any proposed road to the Zilpo Recreation Area at the Cave Run Lake project in Kentucky shall not be constructed until there is a full opportunity for public review and comment on the environmental impact statement. This section was amended in the committee markup session to prohibit the construction of any such road which would bisect the Pioneer Hunting Area in the Daniel Boone National Forest.

After further consideration, it is our judgment that we should wait until completion and review of the environmental impact statement, so that all the facts are available and there has been full opportunity for public review, before a decision is made as to the location of the road. Accordingly, the committee amendment substitutes the original language of section 43.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with interest to the explanation offered by the chairman of the subcommittee. It just seems to me that this is a situation where the left hand of the Government does not know what the right hand of the Government is doing.

The other body has just designated, in S. 1983, this entire area as a wilderness area. S. 1983 provides as follows:

That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(b)), those lands in the Daniel Boone National Forest, Kentucky, comprising the Pioneer Weapons Hunting Area and consisting of approximately seven thousand three hundred acres, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect, a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made. A copy of such map and description shall be on file and available for public inspection in the offices of the Chief, Forest Service, United States Department of Agriculture.

SEC. 3. The wilderness area designated by this Act shall be known as the Cave Run Wilderness and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act or the Wilderness Act shall be construed as precluding the construction of a Zilpo recreation site access road generally on a route extending northward from Forest Development Road Numbered 129 generally skirting the eastern boundary of the Pioneer Weapons Hunting Area, or as affecting or modifying in any manner the 1962 Cooperative Management Plan between the Department of Fish and Wildlife Resources of the State of Kentucky and the Department of Agriculture involving the designation of the Pioneer Weapons Hunting Area within the Daniel Boone National Forest.

The bill is now in conference and they are comparing H.R. 37 with S. 1983 as passed by the Senate, a bill which came out of the Committee on Merchant Marine and Fisheries.

The President has sent to the Congress a message asking that there be a number of eastern wilderness areas designated. Certainly it seems to me that the language that is in the bill at the present time is in keeping with what the President has asked for.

I have seen a map that has been handed to me by the executive branch of the Government. The proposed road will split this area in two, and as such would violate the very principle of the Wilderness Act passed in 1964.

This area is now known and designated in the Daniel Boone National Forest as the Pioneer Weapons Hunting Area. It is the only area under the American flag where the only hunting that is permitted is that type of hunting done in the pioneer days. One has to use a bow and arrow, a crossbow or a muzzle-loading rifle. No modern methods are allowed, at least as we call them now, no modern rifles, et cetera, are allowed to be used in this area.

The proposed road splits this area in two. I can only tell the House that another agency of the Government, namely, the Forest Service and the Forest Reservation Commission, has this entire area under consideration. There is a fight right now between the Corps of Engineers, who have built Cave Lake and who want to put up recreational areas, as to whether or not they should put up a recreational area in this designated park. I gather from the Forest Service that they have absolutely no objection to sites 1, 2, 3, and 5, which are outside of the area where this proposed road is to be built, but there is also an application and an effort on behalf of the Forest Reservation Commission to acquire the only in-holdings in that part of the Daniel Boone National Forest. The only purpose of building a road is to open up a little private land that is in there right now.

I certainly would say to my colleague that the language he has in the bill at the present time is a great deal better than the language which he proposes. I would sincerely hope that he could withdraw his amendment and, in view of what the administration has asked for, keep this right where it is.

We are faced with a situation where there are three committees at the present time fighting over jurisdiction in this matter. The gentleman's committee now claims some jurisdiction over it as far as building a road is concerned. The House Interior Committee has felt likewise. The Merchant Marine and Fisheries Committee, since it is a wilderness area, wants to take it out of the endangered species bill, so for that reason, I think the language which is proposed in the bill is excellent.

Mr. Chairman, if the gentleman has any comment, I would be delighted to hear it.

Mr. PERKINS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this problem lies entirely in the district that I am privileged to represent in Kentucky. We have spent $25 million down there building the Cave Run Reservoir.

Back in 1967, the Forest Service, the Corps of Engineers, the Fish and Wildlife people, and the State highway department, the county, got together and decided on what would be the best way to get to the Zilpo recreational facilities.

Let me say something to all the Members. If this was for a few private people, CARL PERKINS would not be in this well today, and I will put a statement in the record outlining the facts. This is for the general public.

The Forestry Service owns all the land next to the shoreline, and they have spent some $2 million already building recreational facilities in this area. Without a road, one cannot reach this area other than by boat.

We have to have a road to this recreational area, which has been developed by the Corps of Engineers, the Forest Service, the Fish and Wildlife people, and by the local governments. Every local government in the area has gone along with this road. Every chamber of commerce in the area has gone along with this road.

Mr. Chairman, there has been this agreement because this road will open up to the general public and to the Nation a new reservoir area for recreational purposes.

The reservoir was built primarily for flood control purposes, and the recreational part of it was developed by the Forest Service and by the Corps of Engineers jointly.

I want to say something about the issue of private land. We talked with the Forest Service this morning, and the Corps of Engineers. I believe all Members will be interested in this, because there is an insinuation that we are trying to build a road for some private people.

My office was told this morning the people that were left in the area, they felt it was best not to buy the property and my statement will explain the reasons. They did not think, from a governmental viewpoint, it was wise to buy those tracts, and regardless of where the

road was built it was stipulated in the contract that they would have access.

This road from an environmental standpoint, is much better than any other proposed road, according to the Corps of Engineers, and according to the Forest Service.

It was more than 3 years after the agreement and after the road had been designed that an objection was raised by some sportsmen. I take off my hat to no one as to being a sportsman.

I will say to my colleague that the majority of the sportsmen in this area want this road. We want a road so that the whole country can benefit from this area.

Let us not forget we have already spent $25 million and presently we have to get to the lake by boat.

I should like to discuss this matter in greater detail because it is so important.

It has been suggested in a letter delivered to the Members this morning that Forest Road 918, as proposed by the Corps of Engineers and the Forest Service, is a boondoggle to serve some private property on Cave Run Lake.

We are told that apparently the owners would like to develop this property as a recreation area, and they want the taxpayers to pay for the road to their development.

If that were the truth, Mr. Chairman, no one would oppose it more vigorously than I.

The truth is that there are two parcels of private property in the general area, involving some 330 acres. About 300 acres belong to a family named Cassidy, and 35 acres are listed as belonging to Minnie Richardson et al. It is not directly on the lake, but the corps advised me this morning that at some points it comes within about 300 feet of the lake pool. It is rough land, and from what the corps tells me, does not readily lend itself to major recreational development, beyond some cabins and rough camping sites.

This property will have access through the proposed Forest Road 918. And it will have to have access through any alternate road that may be required if Forest Road 918 is not built.

I asked the corps why this property was not acquired along with other property for the Cave Run development. I was told that this was carefully considered, and that it was determined purchase of this property would have required the acquisition of a great deal of additional land as compensation—and that the Government simply got a better deal by not acquiring the Cassidy and Richardson property but providing access through the Zilpo Road—whatever the route.

But let me make it perfectly clear that the area Forest Road 918 is designed to serve is the Zilpo Recreation Area. That area is being developed by the Forest Service with funds appropriated by this Congress upon recommendation of the distinguished gentlelady from Washington (Mrs. HANSEN), and the Subcommittee on Interior and Related Agencies.

It is a hoax to say that the taxpayers are being asked to build a $1,990,000 road to a private development. The road is primarily to serve a Forest Service facility designed for the benefit and enjoyment of all of the people.

And let me make one additional point. Whether we build Forest Road 918 now, or wait several years and build the road proposed by the sportsmen's group—the Cassidy property will have to be provided access through it. That was part of the purchase agreement between the owners and the Corps of Engineers.

Mr. Chairman, this is the background information on this amendment:

Several years ago, upon funding of the Cave Run Lake construction, the Forest Service and the Army Corps of Engineers signed an agreement to develop a substantial recreation complex in the Daniel Boone National Forest surrounding the lake.

The central feature of this complex is the Zilpo Point Recreation Area, which would be complete with boat-launching ramps, camping facilities, shelter house, sewer and water facilities, and the like. A great deal of money has already been appropriated and spent on this development.

The routing of the access road to Zilpo Point was agreed upon 6 years ago in a public meeting at Owingsville, Ky., attended by representatives of the Corps of Engineers, the Forest Service, and the citizens of the adjacent communities. The design was made, and the Corps of Engineers is ready to move.

At some later date, some outside interests and groups objected to the routing on the grounds that it bisected an area that had been set aside in the Daniel Boone National Forest for hunting with bows and arrows, crossbows, and muzzle loading weapons.

The Corps of Engineers and the Forest Service did take another look at the routing. In fact, they have been looking for 6 years. The routing they have proposed is preferable to all of the alternatives available to them.

To begin with, the proposed routing will cost nearly a million dollars less than the alternate route proposed by a sportsmen's group.

Environmentally, the proposed road is substantially preferable to the alternate. Steep grades, cuts and fills with loose rock and debris make the alternate route more dangerous. The alternate provides greater soil erosion and slide potential than the ridge-top road proposed by the Forest Service and the Corps of Engineers. The alternate road will provide poor access to the forest from the standpoint of fire protection. It will have greater impact upon water quality than the proposed road. It will provide limited access for timber management in the National Forest.

As for scenic beauty, the proposed road along the ridge-top provides maximum opportunities for overlooks, vistas, and scenic views. Scenic benefits are greatly diminished on the alternate route by scars left by large cuts and fills.

As for wildlife, it should be noted that this so-called primitive weapons area is not to be confused with a "wilderness" or "primitive" area. The management of this land is the same as other land in the Daniel Boone National Forest of which it is a part. The deer and turkey herds are not confined to the Primitive Weapons Area by any means, but utilize it just as they do any other part of the forest.

Mr. Chairman, the committee amendment, described as section 43, makes it impossible to construct the proposed road. We are placed in the absurd position of having appropriated hundreds of thousands of dollars of the people's money to develop the Zilpo Recreation Area—and then denying the people access to it, except by boat.

I did not know about this change until 2 days ago. Even though the area lies entirely within my district and the people of my district are the only ones affected, I was not given the opportunity to comment upon it—or even advised of it after the change was made.

I hope the committee will join in approving the amendment to restore the original language of the bill.

Mr. Chairman, I include relevant portions of the environmental impact statement prepared by the U.S. Army Corps of Engineers and other material at this point in the RECORD:

b. *Impact of the Proposed Action on Other Agency Projects.* Development of the project will directly or indirectly affect three other State or Federal agencies. These agencies are the U. S. Forest Service, the Commonwealth of Kentucky, Department of Fish and Wildlife Resources, and the Gateway Area Development District.

(1) The project area lies almost entirely within the proclamation boundary of the Daniel Boone National Forest; and under the terms of a memorandum of agreement between the Forest Service and the Corps of Engineers, all project lands, with the exception of those necessary for the operation of the dam will be transferred to the Forest Service for management. Some 30,668 acres of land will be transferred. The lake will inundate approximately 485 acres of Forest Service land at seasonal pool. The project will also affect portions of USFS lands through requirements for road relocations and access roads. One such road is the Zilpo access road or Forest Development Road No. 918. The Corps of Engineers Cave Run Lake Land Requirements Plan, Design Memorandum No. 5A and the U. S. Forest Service Composite Plan propose the use of the Zilpo site for camping, swimming, boat access and other uses. This site is located on a flood plain terrace which is bounded on the north and east by the proposed lake shore and on the south and west sides by the Pioneer Weapons Hunting Area. To reach the site, an adequate access road must be provided. Presently under consideration is a two lane, 20 foot wide 8½ mile long paved road which will bisect the Pioneer Weapons Hunting Area to reach Zilpo recreation site. Concern has been expressed by the League of Kentucky Sportsmen and various other organizations and individuals as to possible adverse effects to the area resulting from construction of the road. It should be noted that the Pioneer Weapons Hunting Area is not to be confused with a "wilderness" or "primitive" area. The area is essentially the same and is managed the same as other forest land in the Daniel Boone National Forest System. It differs only in that a State regulation restricts the use to particular types of weapons for hunting. A study is being initiated to determine the size and impact of the road on the turkey herd. Four major alternatives in the proposed road have been considered. (1) a shoreline route from State Highway 826 to State Highway 1274; (2) a proposal by the League of Kentucky Sportsmen recommending a route extending northward from FDR 129 the Pioneer Weapons Hunting Area (PWHA) and then joining the alignment of FDR 918; (3) a route that would come from the north

side of the lake across a bridge at a narrows near Zilpo to relocated Highway 1274 and from there along Wilson Hill across a 1200 foot bridge span with fill approaches; (4) no action to build a road and access by boat only. Evaluation of these alternatives and their consequences indicated that the proposed location through PWHA best meets the multiple-use objectives and minimizes the adverse impacts to the surrounding area. A comparison of the effects of the alternatives considered on major areas of concern is summarized and shown in Exhibit 29 and Exhibit 30 in the Technical Appendix, pages 61 and 62.

ZILPO RECREATION SITE ACCESS ROAD ALTERNATIVES

	Proposed road	Shoreline road	League of Kentucky Sportsmen road	Cross-Lake road	No road
Timber	Will provide best access for timber management activities.	Will provide limited access	Will provide limited access	Will provide limited access	Will restrict timber management activities.
Improvements	Will eliminate 5 mi of existing hiking trails and 1 wildlife waterhole.	No effect	No effect	No effect	No effect.
Recreation	Will provide access for better utilization of the Zilpo recreation area.	Will provide access, but will disrupt Caney recreation area.	Will provide access for better utilization of the Zilpo recreation area.	Will provide access for better utilization of the Zilpo recreation area.	Will restrict the planned high level of development of the Zilpo site.
Special uses	Possible adverse impact from requests for access across rights-of-way into private tracts.	Possible adverse impact from requests for access.	Possible adverse impact from requests for access.	Possible adverse impact from requests for access.	No effect.
Wildlife	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will limit opportunities for wildlife habitat development.
Soil	Some soil displacement and erosion.	Greatest soil displacement and erosion due to more unstable soils and greater cuts and fills.	Soil erosion and slide potential greater than proposed road but less than shoreline road.	Soil erosion and slide potential greater than proposed road but less than shoreline road.	No effect.
Water	Will adversely affect water quality during initial construction.	Will result in greater water quality deterioration for a longer period of time.	Will have greater impact than the proposed road, but less than the shoreline road.	Will have greater impact than the proposed road, but less than the shoreline road.	Do.
Fire	Will increase fire risk, and will provide best access for fire control.	Will increase fire risk, and will provide poor access for fire control.	Will increase fire risk, and will provide poor access along much of the route.	Will increase fire risk, and will provide poor access for fire control.	Fire suppression would be most difficult without road.
Safety	Predominantly ridgetop location will provide a greater degree of safety.	Excessive cuts and fills, danger of falling rocks and debris.	Steep grades, cuts and fills with loose rocks and debris.	Excessive cuts and fills, danger of falling rocks and debris.	No effect.
Remoteness	Will bisect the pioneer weapons hunting area, adversely affecting its remote qualities.	Will provide access only to perimeter of the area, with less effect on remoteness.	Will provide access only to perimeter of the area, with less effect on remoteness.	Will have least effect on remoteness of the area.	Area would become more remote with impoundment of the lake.
Asthetics	In some places the ridgetop landscape will be exposed, maximum opportunities for overlocks, vistas and scenic views provided.	Scenic benefits more than offset by scarred landscape caused by large cuts and fills required.	Scenic benefits diminished by scars from large cuts and fills.	Scenic benefits diminished by scars from large cuts and fills and by a large bridge crossing the lake.	Will limit opportunities for utilization of the area.
Road costs	$1,990,000	$8,135,000	$2,870,000	$4,860,000	Zero.
Future maintenance	Nominal cost based on ridgetop road with minimum cuts and fills.	Excessive cost due to major cuts and fills in unstable soils and large drainage structures.	Higher than normal cost due to large cuts and fills in unstable soils, several major drainage structures.	Higher than normal cost due to large cuts and fills in unstable soils and major drainage structures.	No cost.
Local economy	Will provide nearby recreation oriented enterprises with additional revenue.	Will have a greater influence on the economy due to heavier use and greater opportunity for development of private tracts.	Will provide nearby recreation oriented enterprises with additional revenue.	Will provide nearby recreation oriented enterprises with additional revenue.	No effect.

RESOLUTION

On motion of Commissioner Woodard, seconded by Commissioner Copher, all members present voting aye, it is hereby resolved that the Bath Fiscal Court go on record as being strongly in favor of construction of access road 918 leading from Highway 211 to Zilpo on the Bath side of the Cave Run Reservoir. It is the feeling of this Court that Bath County has contributed the greatest amount of taxable land area to the construction of the Cave Run Reservoir and unless this access road is constructed, Bath County will realize very little, if any, benefits from the construction of Cave Run Reservoir.

R. C. ALEXANDER,
Judge, Bath Fiscal Court.

RESOLUTION

On motion of Commissioner Tackett, seconded by Commissioner Sexton, all members present voting aye, it is hereby resolved that the Menifee Fiscal Court go on record as being strongly in favor of construction of access road 918 leading from Highway 211 to Zilpo on the Bath side of the Cave Run Reservoir. It is the feeling of this Court that Menifee County has contributed the greatest amount of taxable land area to the construction of the Cave Run Reservoir and unless this access road is constructed, Menifee County will realize very little, if any, benefits from the construction of Cave Run Reservoir.

SAM SWARTZ,
Judge, Menifee Fiscal Court.

RESOLUTION

The Montgomery County Fiscal Court in their regular meeting held September 4, 1973, having been advised of the desirability of the creation of Recreation Site No. 4, known as Zilpo, hereby votes unanimously to recommend that the construction of the access road 918 to the Zilpo site be constructed at the earliest possible date.

The above is a true copy of the resolution passed by the Montgomery County Fiscal Court on Sept. 4, 1973.

HARRY G. HOFFMAN,
Judge, Montgomery Co., Ky.

CITY OF MT. STERLING,
Mt. Sterling, Ky., September 12, 1973.

The Mt. Sterling, Kentucky, City Council passed unanimously the following Resolution at its regular meeting at Mt. Sterling City Hall, Tuesday, September 11, 1973, P.M.:

Resolved that the Mayor and City Council of Mt. Sterling Kentucky, go on record approving the retention of the particular road designated by the United States Forest Service and the United States Corps of Engineers as Forest Service Road No. 918, known as the Ridge Road, to Zilpo in Bath County, Kentucky, and that the deletion of this Road, as planned, be opposed.

A copy of this Resolution approving said Road and opposing its deletion, in any way, be sent to the Corps of Engineers and/or appropriate person or persons.

WESLEY R. BROOKS, *Mayor.*

CITY OF SALT LICK,
Salt Lick, Ky.

On a motion duly made and seconded the adopted:

RESOLVED, That the Salt Lick City Council is in favor and urges the construction of Forest Service Road 918, known as the Ridge Road, as proposed by the U.S. Army Corps of Engineers,

WHEREAS, The proposed road has been designed and is ready for contract and any alteration would result in a year or more delay.

WHEREAS, The proposed road is part of the network agreed upon at a public meeting with the Corp of Engineers.

RESOLVED FURTHER, That a copy of this resolution be sent to the U.S. Army Corps of Engineers, Congressman Carl D. Perkins, Senators Walter D. Hudleston and Marlow Cook.

MARTIN CRAIG,
Chairman of the Board.
BOB TIZZELL,
Clerk.

CITY OF FRENCHBURG,
Frenchburg, Ky.

On a motion duly made and seconded the following resolution was unanimously adopted:

Resolved, That the Frenchburg City Council is in favor and urges the construction of Forest Service Road 918 known as the Ridge Road, as Proposed by the Army Corps of Engineers.

Whereas, The proposed road has been designed and is ready for contract and any alternation would result in a year or more delay.

Whereas, The proposed road is part of the network agreed upon at a public meeting with the Corps of Engineers.

Resolved further, That a copy of this resolution be sent to the U.S. Army Corps of

Engineers, Congressman Carl D. Perkins, Senators Walter D. Huddleston and Marlow Cook.

ELWOOD MOTLEY,
Chairman of the Board.
MIKI ALLEN,
Clerk.

RESOLUTION

On a motion duly made and seconded, the following resolution was unanimously adopted:

Resolved, that the Jeffersonville City Council is in favor and urges the construction of Forest Service Road 918, known as Ridge Road, as approved by the U.S. Army Corps of Engineers,

Whereas the proposed road has been designed and is ready for contract and any alternation would result in a year or more delay.

Whereas, the proposed road is part of the network agreed upon at a public meeting with the Corps of Engineers.

Resolved further, that a copy of this resolution be sent to the U.S. Army Corps of Engineers, Congressman Carl Perkins, Senator Walter Huddleston and Senator Marlow Cook.

ROBERT BRANDENBURG,
City Clerk.
PAULINE COLE,
Mayor.

CITY OF SALT LICK,
Salt Lick, Ky.

On a motion duly made and seconded at the regular meeting of the Salt Lick Volunteer Fire Department, Wednesday, August 29, 1973 the following resolution was adopted by unanimous vote:

Resolved, That the Salt Lick Fire Department go on record as being in support of the immediate construction of Forest Service Road 918 as now proposed by the U.S. Army Corps of Engineers.

It is further resolved, That a copy of this resolution be sent to Senators Marlow Cook, Walter D. Huddleston, Congressman Carl D. Perkins and the U.S. Army Corps of Engineers.

J. R. REEVES, *Chief.*
JOHNSON W. RAZOR, *Secretary.*

SALT LICK CHAPTER No. 563, O.E.S.,
Salt Lick, Ky., September 5, 1973.

To Whom It may Concern:

This is to advise that the membership of this organization is on record as being in favor of the construction of the Forest Service Road No. 918, known as the Ridge Road, into the Zilpo area of Cave Run Reservoir.

PATRICIA GRADY OLDFIELD,
Matron.
JUDY C. JONES, P.M.,
Secretary.

MOUNT STERLING-
MONTGOMERY COUNTY
CHAMBER OF COMMERCE,
Mount Sterling, Ky., September 6, 1973.

ARMY CORPS OF ENGINEERS,
Louisville, Ky.

DEAR SIRS: The Board of Directors of the Mount Sterling-Montgomery County Chamber of Commerce held its regular monthly meeting this sixth day of September and passed unanimously the following resolution:

The Mount Sterling-Montgomery County Chamber of Commerce hereby resolves its full support and encouragement to the Army Corps of Engineers in reference to the construction of Access Road 918 to the Cave Run Reservoir.

Very truly yours,
H. G. REED, Jr.,
President.

SALT LICK LODGE No. 682, F. & A.M.,
Salt Lick, Ky., August 31, 1973.

To Whom It May Concern:

The membership of Salt Lick Lodge No. 682, F. & A. M. is in favor of the construction of Forest Service Road #918, known as the Ridge Road.

J. D. EVANS, *Master.*
W. E. MCKENZIE, *Secretary.*

On motion of Mrs. Frank T. Jones, seconded by Mrs. David Clarke, carried unanimously, it is hereby RESOLVED that the Owingsville Woman's Club go on record approving the retention of that particular road designated by the United States Forest Service as #918, known as the Ridge Road, to Zilpo, in Bath County, Kentucky, in the Cave Run Lake Project and that the deletion of this road as planned be opposed by the Owingsville Women's Club and that a copy of this Resolution approving said road and opposing its deletion in any way be sent to Congressman Carl D. Perkins for presentation to Congress and/or the appropriate Congressional Committee.

Dated: August 29, 1973.

Mrs. Thomas Maze, Mrs. Arnold Stacy, Jr., Mrs. R. Brooks Byron, Mrs. Jimmie L. Davis, Mrs. Oscar Dornell, Mrs. Frank T. Jones, Mrs. Jas. R. Ratliff.

Mrs. Jack Smoot, Mrs. George L. Thia, Mrs. Katherine Rogers, Mrs. W. Reitt Roberts, Mrs. Bob Roberts, Mrs. Jimmy Kissick.

Mrs. David Clarke, Mrs. Joe Thompson, Mrs. Sherman Goodpaster, Jr., Mrs. Roger O. Byron, Elizabeth H. Byron, Mrs. Hugh H. Owen, Jr., Mrs. E. Glenn Miller, Mrs. E. L. Butcher, Mrs. Jacob Snedegar, Mrs. B. L. Thompson, Sara Jane Orme.

Mr. GROSS. Mr. Chairman, I move to strike the required number of words.

Mr. Chairman, I should like to ask the the gentleman from Kentucky a question.

Mr. PERKINS. Yes, sir.

Mr. GROSS. When the gentleman spoke of "we" having spent $25 million for a lake in his district, whom did he mean by "we"?

Mr. PERKINS. I mean the Government, the U.S. Government.

Mr. GROSS. All right. The taxpayers of this country.

Mr. PERKINS. Yes, sir; the taxpayers of this country.

Mr. GROSS. I did not think the gentleman meant the people of his district or of the State of Kentucky had spent $25 million for a lake on which there is private property bordering on the lake for which a paved road is sought.

Mr. PERKINS. No. There is no private property bordering on that lake. None.

I will put this in the RECORD. I am glad I contacted them today. I have got the record on that. There is not private property bordering on the lake anywhere.

Mr. GROSS. Does the gentleman mean the arm of that lake does not come down to private property?

Mr. PERKINS. No, there is no private property bordering on that lake.

Mr. GROSS. How far away is the private holding on the northeast side?

Mr. PERKINS. I cannot answer that.

Mr. GROSS. Or the southeast corner of that lake,

Mr. PERKINS. Quite some distance. This is an area where there is the Daniel Boone National Forest. The Government bought up most of the land.

Mr. GROSS. This is another one of those deals on the basis of "now you see it, now you don't."

The committee put in a restriction on the building of the road, and I believe it is a wise one, under section 43. The pertinent language reads:

Any proposed road to the Zilpo Recreation Area shall not be constructed. . . .

And so on and so forth—

which bisects those lands . . .

In this proposed wilderness area.

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

Mr. GROSS. Not at this time. I will yield to the chairman in just a minute.

In the committee report accompanying the bill, dated October 3, 1973, which was only 9 days ago, states with reference to section 43 and the prohibition against road construction, that:

This section will preserve the nature of the area. There is an alternate route, supported by the League of Kentucky sportsmen, that would skirt the Pioneer Weapons Hunting Area and still provide easy access to the Zilpo Recreation Area.

Now, what did the committee mean when it put that paragraph into the report, if it was not in justification of the section 43 that denied construction of the road?

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

Mr. GROSS. I yield to the gentleman from Texas, the chairman of the subcommittee.

Mr. ROBERTS. Mr. Chairman, the amendment the gentleman refers to, the language that is currently in the bill, was not in the bill reported to the full committee. It was put in by amendment in the full committee without any knowledge that the gentleman offering the amendment had any connection with it.

Mr. GROSS. Mr. Chairman, let me interrupt the gentleman.

This report was written after the full committee took action, was it not?

Mr. ROBERTS. The gentleman is correct.

This road does the same thing for a million dollars less.

Mr. GROSS. For what?

Mr. ROBERTS. For a million dollars less than the other one.

Mr. GROSS. Well, it would amount to $2 million, would it not?

Mr. ROBERTS. The gentleman is correct. The figure is $1,900,000.

Mr. GROSS. Mr. Chairman, it would amount to $2 million, all of which could very well be taken care of by the county or counties to be benefited or the State of Kentucky if this road is so necessary.

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

Mr. GROSS. Yes, I yield to the gentleman.

Mr. ROBERTS. Mr. Chairman, under either amendment there is a guarantee to protect the environment, and if this subsequently is declared a wilderness area, of course, it cannot be built. It cannot be built anyhow until such time as the environmental impact statement has completely cleared, and there is

plenty of time to act on it in the meantime.

Mr. GROSS. How about the road to be built to the east of the wilderness area?

Mr. ROBERTS. Mr. Chairman, I am not aware of the road the gentleman speaks about.

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

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

Mr. SAYLOR. Mr. Chairman, I would just like to take the time to point out something in answer to the statement that was made that the bill never passed.

I am reading now from the U.S. CONGRESSIONAL RECORD, and on the 24th day of July the Senator from Kentucky, Mr. COOPER, offered an amendment to a bill which was approved and which is now in conference. This appears on page 25690 of the CONGRESSIONAL RECORD.

So in answer to Members who get up and say the bill will never pass, it already has passed. It has passed, and creates a wilderness area in this section of Kentucky. Let the record show that I did not suck this information out of my thumb.

Mr. GROSS. Mr. Chairman, I suggest that this is the time and place to defeat the amendment offered by the gentleman from Texas and sustain the original action of the committee. The House ought to someday put an end to this now-you-see-it, now-you-do-not business—this business of saying one thing one day and doing something else the next. I do not know what prompts this proposed action here today, but it ought to be stopped.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ROBERTS).

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

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 80 line 18 after the words "eight years" add "without any Congressional appropriations within the last eight years."

Mr. WRIGHT. Mr. Chairman, I believe the amendment I am offering carries out the intent of the committee and plugs a loophole which otherwise might have inadvertently appeared in the bill. The section which these words would amend is designed to provide a means of deauthorizing old projects on which there has not been any recent congressional action.

The bill as it comes before us makes this deauthorizing process applicable to those projects which have been authorized for a period of at least 8 years.

Some of us have begun to recognize, since it was called to our attention, a great many projects take many years longer than the 8 years after their authorization to realize their culmination. This provision, unless further clarified, might inadvertently create an opportunity for mischief. There are throughout the country, of course, a multitude of live, active and thoroughly viable projects that have been authorized longer than 8 years but which still have not been completed.

We do not believe that the committee intended to give to the Office of Management and Budget or to the Corps of Engineers the right to deauthorize those projects on which Congress is regularly and duly appropriating money and continuing construction nor those for which Congress has authorized money to complete planning looking forward to construction.

Therefore we simply suggest that these few words be added as a definition of those projects to which a deauthorizing process would be applicable. We think it should not apply so broadly to all that have been authorized for 8 years but rather to those that have not received any congressional appropriation in the last 8 years.

This would include most of the old projects that Congress is not really interested in pursuing. This would permit deauthorization of all the dead wood on which there has not been any action. But it would not permit someone in the OMB to come to us with a deauthorization list including projects on which there has been recent or current action and in which there is continuing congressional interest.

That is all the amendment would do, and I think it is what the committee desires and intends to do.

Mr. LANDRUM. Will the gentleman yield?

Mr. WRIGHT. I yield to my friend from Georgia.

Mr. LANDRUM. I think I understand what the gentleman's amendment does. As it is written in the bill, the OMB could arbitrarily wipe out a project where no money has been appropriated in the 8 years following authorization. Is that right?

Mr. WRIGHT. Unless my amendment is adopted, it could wipe out one in which money has been appropriated in the last 8 years, also.

Mr. LANDRUM. Let me cite for the gentleman a question. Let us take a project which was authorized by the Congress 8 or more years ago. The project involves road construction in two States. Some of the money for a part of the road in one State has been appropriated and spent and part of the construction has been completed. None of the money for the part in the other State has been appropriated and no construction has been undertaken. Does this amendment mean that the part in the State which has been authorized but for which there has been no appropriation can be wiped out by OMB, or would the part already authorized and appropriated for be constructed in the other State?

Mr. WRIGHT. As I understand the facts of the situation presented by the gentleman from Georgia, under the presently existing language in the bill, the OMB acting through the Chief of Engineers at their desire, might be able to list such a project for deauthorization if it was authorized 8 years or longer ago, regardless of whether some money has or has not been appropriated during that time. As to the question of the involvement of two States, I think the answer would depend upon whether the project was initially authorized as a single package.

Under the amendment which we propose, if money has been appropriated in the last 8 years, they could not list it for automatic deauthorization.

Mr. LANDRUM. Whether it had or had not been used in one of the States?

Mr. WRIGHT. Yes. Assuming it is all one project, I do not think that issue enters into the question at all.

Mr. LANDRUM. I thank the gentleman.

Mr. CLEVELAND. Mr. Chairman, I move to strike the last word.

If I may have the attention of the gentleman from Georgia, who just had a colloquy with the gentleman from Texas, I think there has been a little misunderstanding about this amendment.

This is the deauthorization section of the bill that the gentleman from Texas (Mr. ROBERTS) described earlier. This is legislation that came about as a result of work I had done with the committee. A large dam had been authorized in Claremont, N.H. It had been authorized for years and years. It finally was deauthorized in 1970. The reason we wanted to get it deauthorized was because in the area of the proposed dam there could be no planning, people could not sell their homes, and the city could not plan for the future. The dam was hanging over the city of Claremont like a sword of Damocles. The Public Works Committee went along with us and last year deauthorized it, and thus set the hearts and the minds of the people of Claremont at rest.

Then I decided, in consultation with the gentleman from Texas (Mr. ROBERTS) and the committee staff, that we ought to have a general deauthorization section.

This is something that was very carefully drafted. I am sorry the gentleman from Texas (Mr. WRIGHT) has offered his amendment without any consultation with me, and to my knowledge with no consultation at all with the people who are interested at the staff level. This, as I say, was carefully drafted. Indeed, it was in the bill passed by Congress last year, and vetoed by the President.

I think the interchange with the gentleman from Texas (Mr. WRIGHT) contains certain misrepresentations.

First of all, the OMB is not in on this action; it is the Corps of Engineers. The Corps of Engineers has to submit a list of projects authorized for at least 8 years which are eligible for deauthorization. I would much rather see the gentleman's amendment set at 10 years, and take out this appropriation language.

But, then—and get this, and the gentleman from Georgia should be aware of this—we in the Committee on Public Works have a healthy skepticism of what some of these people downtown do. Therefore, we require that the corps' list must be submitted to both the Committee on Public Works of the House and the Committee on Public Works of the Senate. We have to approve it. I do not believe the Committee on Public Works is going to approve the deauthorization of a Trinity River project, or one of these other projects that maybe has not moved very fast, but is still on the books. I cannot conceive of the Committee on Public Works doing that.

Consequently, I do not understand why the gentleman from Texas has suggested this. I would ask the gentleman from Texas (Mr. WRIGHT) to take the microphone and explain to me why the gentleman is presenting this language.

I have no great pride of authorship. I am sure that any amendment I have ever drafted, even with the help of this able staff, could have been improved, so please do not get me wrong, Mr. WRIGHT. But, as far as I am concerned, the gentleman has pulled this out of his pocket, and at a late date. I just wondered why it is necessary.

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

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

Mr. WRIGHT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think that most of the commentary the gentleman from New Hampshire has made is valid, and I know the gentleman did work very diligently and well to perfect the language of this section.

The essential problem that some of us saw in it, and I must admit we saw it belatedly, was a potential hazard of strict interpretation by someone in the executive branch. And while nothing in the language of this section specifically mentions OMB, I think the gentleman from New Hampshire realizes that those in the executive branch—and that includes the Army and the Corps of Engineers—do follow the suggestions of the OMB. And they could come in and offer a deauthorization of a project simply on the ground that it was authorized more than 8 years ago. I do not say that they would in a great many cases, but where they desired to do so they could.

That is what the language says.

Now, as the gentleman from New Hampshire full well knows, there are a great many still uncompleted projects that were authorized a long time ago, longer than 8 years ago, and on which there has been substantial planning and progress, and some of them have even begun construction. I do not believe the gentleman from New Hampshire intended to permit someone in the executive branch to set one of those projects up for deauthorization, which a strict construction of the language contained in the bill would permit.

This amendment was drafted, quite honestly, as the gentleman from New Hampshire suggests, at a late moment when some of us noted that oversight and decided that we should plug the hole so as to prevent that contingency.

The gentleman from New Hampshire is quite correct in saying that after such a deauthorization list came to the Congress our committee would have an opportunity to act so as to prevent deauthorization. But we would have to take the initiative, to act expeditiously and affirmatively to keep such a project on the books. If we did not act within 180 days, it would be automatically deauthorized, and I would not want to see that happen to any active project in which Congress has a continuing interest.

(By unanimous consent, Mr. CLEVELAND was allowed to proceed for 2 additional minutes.)

Mr. CLEVELAND. The gentleman from Texas concluded his remarks under the gavel. As I say, I was not made aware of this language until very recently. I wonder if the gentleman would feel better if, instead of 8 years, we called it 10 years. My question about the gentleman's language is the way it is drafted right now. So far as I can see, the gentleman could spend $1 on a telephone call to find out if the project was still on the books, and that would rule out any subsequent appropriation. There is no limit on his money.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. The proposition that the gentleman is raising is one that was brought up when Mr. Dondero from Michigan was chairman of the committee. He sought to have a general deauthorization bill, one that would make a time limitation on the projects. If they were not properly provided for by apppropriation, they would be dissolved, and they would be deauthorized. That proposition is pending before the committee to make a general review of a project heretofore authorized, because, as the gentleman well knows, it takes us from the time the project is authorized until it receives the first appropriation 10 years, 2 months. Consequently, we cannot be very impetuous or very desirous of moving with great haste and speed according to those kinds of situations.

So I wish the gentleman would defer the question that he now brings up until some other time, until we can give it complete attention.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA TO THE AMENDMENT OFFERED BY MR. WRIGHT

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida to the amendment offered by Mr. WRIGHT: Strike out the words "the last eight years" and insert in lieu thereof "the last four years".

Mr. YOUNG of Florida. Mr. Chairman, the amendment is a serious amendment, but I should also like to have a discussion with the gentleman from Texas (Mr. WRIGHT). In reading this bill and in reading this amendment, I have a suspicion that this amendment would light a flickering but eternal flame at the gravesite of the Cross Florida Barge Canal. I wonder if the gentleman from Texas could alleviate my fears on that or tell me something that would make me feel better about that particular project.

Mr. WRIGHT. In response to the question of the gentleman from Florida, my interest is in a total of 757 projects. There are 203 projects on the active list and 554 projects on a somewhat deferred list. I do not know whether the Cross Florida Barge Canal is on the deferred list or not, but all I have to say about that is that if it is going to be officially deauthorized within 8 years of an appropriation, I should like Congress to be the one to act affirmatively to deauthorize it. I would not want to have it sent up here on a list compiled by someone in the OMB or someplace else and put us in the spot of having to act negatively within 180 days in order to keep it from being formally and legally deauthorized.

We in our judgment authorized it initially. New problems have arisen, I am sure, and I do not know the present status of that canal. I understand there is some problem at the OMB and elsewhere about it. I am talking, though, about a great many projects throughout the United States, and among them maybe the Cross Florida Barge Canal would be involved in this. But 4 years is a short period of time, it seems to me, considering the lengthy delays and the labyrinth of studies and plans and public hearings through which each of these projects must go from congressional authorization to turning the first spadeful of dirt.

As the gentleman from Alabama pointed out, that is an average of 10 years and 2 months. I just feel that Congress ought to retain to itself the right to keep these projects at least on the books. That does not mean that they are going to be built, and they will not be built unless Congress appropriates money for the building.

Mr. YOUNG of Florida. Does not the gentleman believe 4 years is sufficient time for Congress to take its action?

Mr. WRIGHT. I do not think so necessarily, because there are some projects for which we might appropriate, and then it would take 4 or 5 years to spend that appropriation. If they were moving slowly on that project and speeding up others, then we may not have to appropriate again for 5 years on that particular project.

I would not want to see it automatically deauthorized, just because there has not been an appropriation for 4 years, but I think 8 years is a reasonable time. If the project was authorized more than 8 years ago and if we had not ap-

propriated any money for it in the last 8 years, maybe it ought to be sent up for deauthorization.

Mr. YOUNG of Florida. I appreciate the gentleman's information. I really do not see how the 4-year period of time would be too short a time for the Congress to reauthorize or deauthorize any of these projects.

I think a 4-year time period would be acceptable to the Congress. It certainly would be a workable time.

Mr. ROBERTS. Will the gentleman yield?

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

Mr. ROBERTS. The truth is that the average project now under construction was authorized 14 years ago. So 4 years would never get one started. I have one that took 7½ years just for engineering time.

I appreciate the gentleman yielding.

Ms. ABZUG. Mr. Chairman, I move to strike the requisite number of words.

I wonder if I could ask the gentleman from Texas a question with respect to the amendment to the amendment. The present provision of the public works bill provides that if there is a recommendation on the part of the Corps of Engineers that a project, after 8 years, be deauthorized, that project may be specifically deauthorized by action of the committee. Is that correct?

Mr. WRIGHT. That is not precisely correct. The bill does not provide that a project be specifically deauthorized by action of the Public Works Committee. The bill provides that the administration, or the Chief Engineer, might send us a list of projects which he thinks ought to be deauthorized, and perhaps he has been so advised by OMB, and if we did not act within 180 days to reverse that recommendation, they would be automatically deauthorized and all the work the Congress has put into them would be off the books.

I do not think Congress wants to put itself into that position easily. I think we have to indulge the presumption that Congress knew what it was doing in most of these cases when it authorized the project, and most especially if we have been appropriating money for the project. If we have not been appropriating money for certain projects, maybe they should be deauthorized. But I do not want to give anyone in the administrative branch too easy an opportunity to undo what Congress in its wisdom has done. That is the thrust of my amendment, and I hope the Members will vote against the amendment offered by the gentleman from Florida because I think 4 years is too short a time. I think my amendment carries out the intention of the committee.

Ms. ABZUG. May I ask the gentleman from Texas (Mr. WRIGHT), is it not true that the way this bill has been constructed by the Public Works Committee, if we have authorized preconstruction money, that construction can take place on condition that it meets environmental requirements? Is that not correct?

Mr. WRIGHT. That is correct, but the bill provides for automatic deauthorizations and I think 4 years is too short a time——

Ms. ABZUG. I am asking the question. I do not yield further to the gentleman. That is correct, is it not so?

We do know that we therefore authorize some money for preconstruction grants and then we may determine after that that the project is not eligible for construction because it lacks environmental or other requirements. Is it not so that under this amendment offered by the gentleman from Texas if there should be a determination by a city or a community or by environmentalists that the project should not be eligible for construction, we would not be able to deauthorize this project under the gentleman's amendment, even as amended by the amendment offered by the gentleman from Florida (Mr. YOUNG)? Is it not so that even if $1 were appropriated for this project, we would not be able to deauthorize it? Is that not the import of the amendment offered by the gentleman from Texas?

Mr. WRIGHT. If the gentlewoman will yield, we can deauthorize any project we want to at any time we want to and nothing in my amendment or in the bill prevents that. The Congress has had that right all along. The bill just simply sets up a procedure for the administration to send us projects for automatic deauthorization and forces us to act negatively within a specified period of time if we are to prevent deauthorization. I just do not want to make it too easy for the administration.

Ms. ABZUG. It would be so, would it not, I ask the gentleman from Texas, if $1 had been appropriated we would not be able to deauthorize that project under the gentleman's amendment?

Mr. WRIGHT. Mr. Chairman, I would say to the gentlewoman from New York that Congress is not in the habit of making frivolous appropriations of $1 just to keep a project going. And I would reiterate that Congress could act, if it should so desire, to deauthorize any project at any time. The only thing we are dealing with here is a newly proposed process of automatic deauthorization.

Ms. ABZUG. We have frequently authorized preconstruction grants, even though subsequently it is determined that construction should not go on; under this amendment, we would not be able to deauthorize a project.

Mr. WRIGHT. Under my amendment or the other amendment or under the bill itself, the gentlewoman from New York or any other Member could offer a motion at any time to deauthorize any project on the books. That right would not be foreclosed, whether or not my amendment is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG) to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and on a division (demanded by Mr. YOUNG of Florida) there were—ayes 23; noes 57.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BYRON

Mr. BYRON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRON: Page 132, strike out lines 10 through 18, inclusive, and insert in lieu thereof the following:

SEC. 85. (a) The project for Verona Dam and Lake, Virginia, is hereby authorized substantially in accordance with the recommendations of the Secretary of the Army in House Document Numbered 91–343 as modified by the recommendations of the Chief of Engineers in his report dated July 13, 1973, except that such authorization shall be limited to the phase I design memorandum of advanced engineering and design, at an estimated cost of $735,000.

Mr. BYRON. Mr. Chairman, the amendment I have offered to H.R. 10203 would, quite simply, delete the language for the phase 1 authorization study of the Sixes Bridge Dam. This dam is located in Frederick County in the district I represent, approximately 55 miles from here on the Monocacy River.

There is a firm local opposition to the construction of this dam in Frederick County, Md. The county commissioners, the Soil Conservation District of Carroll County, the Frederick County Farm Bureau, the Thurmont mayor and commissioners, the Thurmont Civic Association—and I could name many other groups thaat are opposed to this dam.

Mr. Chairman, I do not argue with the fact that there is a water problem in the District of Columbia. I do contend, however, that there are solutions to these problems and that we can adequately explore them.

This year's Water Resources Act authorizes $6 million for a pilot plant to treat the water of the Potomac estuary here in Washington. This test of the estuarine waters should be carried out as quickly and as efficiently as possible. There are indications that the viral organism content of the estuarine waters is no higher than that of the free flowing Potomac River, which is being utilized for the water supply for the Washington area at this time.

With the scheduled improvement of Blue Plains and a fair test of the pilot plant, I feel that the estuary will be proven to be a reliable source of drinking water.

From the original package of 16 dams planned for the Potomac Basin in 1963, present plans have narrowed the choice to three; the Bloomington Dam, which is already being constructed in my district, Sixes Bridge, and Verona Dam in Virginia.

I have discussed this plan with knowledgeable engineers who have shown me comparisons between the cost benefits of Sixes Bridge and the other proposed dam sites. Some of these sites could provide the same amount of water as Sixes Bridge without the disruption of farms and families that Sixes Bridge would entail. These alternate dams would be closer to the Potomac and to Washington and could replenish the water supply at the Washington intake in a shorter period of time than Sixes Bridge. They

could also pump and store unneeded releases from the Bloomington Dam for future use.

I would remind my colleagues that the Seneca Dam on the main stem of the Potomac was abandoned several years ago due to pressures applied by local residents of northern Virginia and Montgomery County, Md.

Of course, it will be argued that this is only a contingency authorization. The $665,000 for advanced design and engineering for Sixes Bridge Dam could and should be best applied for studies of alternate sites and the total restudy of the Potomac Basin. To spend this amount of money on phase I for a project that is almost unanimously opposed locally I believe is a misuse of taxpayers' dollars.

Federal funds have been spent to develop a master plan for Frederick County, and that master plan at this time does not include Sixes Bridges. We provide funds for master planning and then, in an uncoordinated Federal action, disrupt the plan that we have helped to underwrite.

I believe this $665,000 should not be spent.

I might add one other point. The proposed Sixes Bridge Dam would wipe out 11,000 acres of prime dairy land. This means 85 dairy farms. At a time when we have a critical milk problem, with milk prices soaring, it seems a mistake even to consider removing such dairy land from the Washington and Baltimore milk shed.

I ask for adoption of the amendment.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I want to say that the committee does not intend to authorize the building of the dam the gentleman from Maryland refers to.

Mr. Chairman, the committee worked very hard to come up with an approach to the problems in the Potomac River Basin. The plan we have come up with represents, in our opinion, the best practical approach to this matter. All of the provisions in section 85 are interrelated, and to remove any one of them would be very damaging to the overall plan. The plan consists of three interrelated elements. The Verona Dam in Virginia and the Sixes Bridge Dam in Maryland are authorized through the phase 1 design memorandum stage of advanced engineering and design. This does not constitute a decision on the part of the committee that these projects should be built. This is a decision for which much more information is needed. The purpose of the authorization is to allow the preliminary engineering work to proceed simultaneously with the other elements of the plan authorized by this section so that if it is later determined that these projects are needed, critical time will not have been lost.

The second element of the plan is an investigation of the use of the waters of the Potomac estuary as a source of water supply for the Washington Metropolitan Area. This study includes the construction, operation, and evaluation of a pilot water treatment plant. For some years it has been argued that the Verona and Sixes Bridge projects, as well as other proposed dams in the basin, are not necessary because the water needs of the Washington area can be met by the Potomac estuary. The construction, operation, and evaluation of a pilot treatment plant should finally settle the controversy over the use of the estuary waters and the need for alternate sources of water supply.

The third element of the plan is the most important. It directs a $5½ million review study of the water and related resources needs of the Potomac River Basin and the Washington Metropolitan Area.

The first Potomac River Basin Report was published in 1963 with the objective of producing a water resources development plan to provide the optimum contribution to the economic and social well-being of the people, industry, and business and social institutions of the basin. Major recommendations included the construction of 418 headwater reservoirs and 16 major reservoirs.

After a lengthy review process, including a special study directed by the President, the recommendation of the Secretary of the Army to Congress in 1970 was for authorization of two projects, Sixes Bridge and Verona. It was his view, and that of the Chief of Engineers, that although this was but a marginal interim solution to the water supply problem of the Washington metropolitan area, it was an essential first step.

The committee feels that there is a serious need for a review of this study in accordance with present-day policies and procedures. This review study will, among other things, examine alternatives to the Sixes Bridge and Verona projects and other previously proposed projects.

The committee feels strongly that the three-element plan authorized and directed by this section is the best means of securing the necessary information needed to arrive at a decision as to what must be done to meet the water and related resources needs of the Potomac River Basin and the Washington Metropolitan Area. The committee wishes to emphasize that in no event will the Sixes Bridge and Verona projects be authorized for construction unless the committee is satisfied, based on the results of the pilot program and on the comprehensive review study, that they are necessary.

The limited authorization of the Verona and Sixes Bridge projects was included for one reason: If the pilot treatment plant and study indicate that the Potomac estuary cannot be used for water supply, and if the review study of the basin concludes that there is no feasible alternative to these projects and they must be constructed to meet the water supply needs, then we will not have lost valuable time—we will be ready to authorize the projects for construction.

We would be derelict in our duty if we did nothing with regard to these two projects and simply stood by for the 3 or 4 years it will take to evaluate the use of the estuary. We cannot take that risk.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am most sympathetic to the amendment offered by the gentleman from Maryland. He came and talked to me specifically about this, expressing his concern on behalf of his constituents.

The same is true of the gentleman from Virginia (Mr. BUTLER), concerning the Verona project and also Mr. GOODLING of Pennsylvania.

Mr. Chairman, we recognized that projects of this type cannot help but cause a lot of controversy, and it is for that reason that the committee saw fit to put specific language in the report which would require that alternatives be given consideration during the advanced engineering and design stage.

I will read the specific language from the committee report so that the legislative history is clearly on the record. I quote,

> This review study will, among other things, examine alternatives to the Sixes Bridges and Verona projects and other previously proposed projects. It will consider the water resources needs of the basin and the metropolitan area in the most comprehensive manner, including various alternatives and combinations. . . .

Further,

> The Committee wishes to emphasize that in no event will the Sixes Bridges and Verona projects be authorized for construction until the Committee is satisfied, based on the results of the pilot program and on the comprehensive review study, that they are necessary.

I have conveyed this information to Mr. BYRON, Mr. BUTLER, and Mr. GOODLING directly and I want to restate it here today on the floor.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I want to commend the gentleman. This is exactly true.

The language in this permits us to look at every single alternative. We must find a source of water for metropolitan Washington.

Mr. GUDE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe the amendment offered by the gentleman from the Sixth District of Maryland should be supported in light of his adamant opposition and the feeling of the people in his district that this is a waste of $665,000.

Mr. Chairman, I have in the past supported the Sixes Bridge impoundment near Frederick, Md., because I believe it would serve as a source of water for the local area in which it would be constructed as well as an emergency source for the Washington metropolitan area. On April 26, 1973, I testified to this effect at the U.S. Army Corps of Engineers public hearing at the Department of Commerce in Washington, D.C.

At that time, I stated, however, that the views of the Congressman representing the area where the impoundment will be sited should be given full and due consideration. It now appears, Mr. Chairman, that the Public Works Committee did not take into consideration

the views of the gentleman from Maryland's Sixth District, the Honorable GOODLOE BYRON. In fact, the gentleman was not even given the opportunity to testify before the committee on this project before it was put into the legislation.

Mr. Chairman, I do not believe that this body can best operate under conditions such as these. If a committee intends to place a project in a Member's district in the face of his opposition, it should be willing to give him the courtesy of being allowed to testify against it and the committee should also have to put forward very convincing reasons why this action is deemed necessary.

Mr. Chairman, I urge the House to support the motion offered by Congressman BYRON.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

I regret that the gentleman made that remark that the Congressman did not have an opportunity to testify. We held 4 weeks of hearings, and every single Member of Congress who wanted to appear had the opportunity. However, I think it is only fair to point out that at the time of our hearings, the report on the Potomac River projects was not yet before us, and, perhaps, on this basis, it may have been believed that the projects were not under consideration. The fact that we did not have the report before us at the time of the hearings is one of the primary reasons that we did not authorize the Sixes Bridge project for construction but only authorized advanced engineering and design on the project and then only as part of a three element plan to find a solution to the problems of the Potomac River Basin.

I urge the rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BYRON).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RIVER BASIN MONETARY AUTHORIZATIONS

SEC. 201. (a) In addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

	Date	Amount
Alabama-Coosa River Basin	Mar. 2, 1945	$31,000,000
Arkansas River Basin	June 28, 1938	14,000,000
Brazos River Basin	Sept. 3, 1954	19,000,000
Central and southern Florida	June 30, 1948	15,000,000
Columbia River Basin	June 28, 1944	94,000,000
Mississippi River and tributaries	May 15, 1928	211,000,000
Missouri River Basin	June 28, 1938	72,000,000
North Branch, Susquehanna River Basin.	July 3, 1958	64,000,000
Ohio River Basin	June 22, 1936	120,000,000
Ouachita River Basin	May 17, 1950	4,000,000
Red River Waterway project	Aug. 13, 1968	9,000,000
San Joaquin River Basin	Dec. 22, 1944	83,000,000
South Platte River Basin	May 17, 1950	15,000,000
Upper Mississippi River Basin	June 28, 1938	4,000,000
White River Basin	June 28, 1938	9,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $764,000,000.

SEC. 202. The Secretary of the Army, acting through the Chief of Engineers, is authorized to initiate the second phase of the bank erosion control works and setback levees on the Sacramento River, California, authorized by the Flood Control Act of 1960, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 93–151, and the monetary authorization for the Sacramento River Basin, basically authorized by the Act of December 22, 1944, is increased by not to exceed $16,000,000 for such purpose.

SEC. 203. This title may be cited as the "River Basin Monetary Authorization Act of 1973".

Mr. ROBERTS (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I desire to commend the committee on this bill.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute as amended was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the committee rose; and the Speaker having resumed the chair (Mr. ROSTENKOWSKI) 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. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, pursuant to House Resolution 590, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole?

If not the question is on the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

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

RECORDED VOTE

Mr. ROBERTS. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 14, not voting 83, as follows:

[Roll No. 521]

AYES—337

Abdnor	Fisher	Mezvinsky
Abzug	Flood	Michel
Adams	Flynt	Milford
Addabbo	Foley	Miller
Alexander	Ford, Gerald R.	Minish
Anderson, Calif.	Ford, William D.	Mink
Anderson, Ill.	Forsythe	Minshall, Ohio
Andrews, N. Dak.	Fountain	Mitchell, N.Y.
Annunzio	Fraser	Mizell
Arends	Frelinghuysen	Moakley
Armstrong	Frenzel	Mollohan
Badillo	Fulton	Montgomery
Barrett	Gaydos	Moorhead, Calif.
Bauman	Gettys	Moorhead, Pa.
Beard	Gibbons	Morgan
Bennett	Gilman	Moss
Bergland	Ginn	Murphy, Ill.
Bevill	Gonzalez	Murphy, N.Y.
Biaggi	Grasso	Myers
Biester	Gray	Natcher
Bingham	Green, Pa.	Nedzi
Blackburn	Grover	Nelsen
Blatnik	Gubser	Nichols
Boggs	Gude	Nix
Boland	Gunter	Obey
Bolling	Guyer	O'Brien
Bowen	Haley	O'Neill
Brademas	Hamilton	Owens
Bray	Hanley	Parris
Breaux	Hanrahan	Passman
Breckinridge	Hansen, Idaho	Patman
Brinkley	Hansen, Wash.	Patten
Brooks	Harrington	Pepper
Broomfield	Harsha	Perkins
Brown, Mich.	Harvey	Pettis
Brown, Ohio	Hastings	Pike
Broyhill, Va.	Hechler, W. Va.	Poage
Buchanan	Heckler, Mass.	Powell, Ohio
Burgener	Heinz	Preyer
Burke, Calif.	Helstoski	Price, Ill.
Burke, Fla.	Henderson	Price, Tex.
Burke, Mass.	Hicks	Pritchard
Burleson, Tex.	Hillis	Quie
Burlison, Mo.	Hinshaw	Railsback
Butler	Hogan	Randall
Camp	Holifield	Rangel
Carey, N.Y.	Holt	Rarick
Carney, Ohio	Holtzman	Rees
Carter	Horton	Regula
Casey, Tex.	Hosmer	Reuss
Chamberlain	Huber	Rhodes
Chappell	Hungate	Rinaldo
Clancy	Hunt	Roberts
Clark	Hutchinson	Robinson, Va.
Clausen, Don H.	Jarman	Robison, N.Y.
Cleveland	Johnson, Calif.	Rodino
Cohen	Johnson, Colo.	Roe
Collier	Johnson, Pa.	Rogers
Collins, Ill.	Jones, Ala.	Roncalio, Wyo.
Collins, Tex.	Jones, N.C.	Rooney, Pa.
Conable	Jones, Tenn.	Rose
Conlan	Jordan	Rosenthal
Conte	Karth	Rostenkowski
Corman	Kastenmeier	Roush
Cotter	Kazen	Rousselot
Coughlin	Keating	Roy
Cronin	Kemp	Roybal
Culver	Ketchum	Runnels
Daniel, Dan	King	Ruppe
Daniel, Robert W., Jr.	Kluczynski	Ruth
Daniels, Dominick V.	Koch	Ryan
Danielson	Kuykendall	St Germain
Davis, S.C.	Kyros	Sarasin
Davis, Wis.	Landgrebe	Saylor
de la Garza	Landrum	Scherle
Delaney	Latta	Schneebeli
Dellenback	Leggett	Sebelius
Denholm	Lehman	Seiberling
Dent	Litton	Shipley
Derwinski	Long, La.	Shuster
Devine	Long, Md.	Sikes
Dickinson	Lott	Sisk
Diggs	Lujan	Skubitz
Dingell	McCollister	Slack
Downing	McDade	Smith, Iowa
Drinan	McEwen	Smith, N.Y.
Dulski	McFall	Spence
Duncan	McKinney	Staggers
du Pont	McSpadden	Stanton, J. William
Eckhardt	Macdonald	Stanton, James V.
Edwards, Ala.	Madden	Stark
Edwards, Calif.	Madigan	Steele
Erlenborn	Mahon	Steiger, Ariz.
Eshleman	Mann	Stratton
Evans, Colo.	Maraziti	Stubblefield
Fascell	Martin, N.C.	Stuckey
Findley	Mathias, Calif.	Studds
	Matsunaga	Symms
	Mayne	Talcott
	Mazzoli	
	Meeds	

Taylor, Mo.	Veysey	Wilson, Charles, Tex.
Teague, Calif.	Vigorito	Wolff
Teague, Tex.	Waggonner	Wright
Thompson, N.J.	Waldie	Wylie
Thomson, Wis.	Walsh	Wyman
Thone	Whalen	Yates
Thornton	White	Young, Ga.
Tiernan	Whitehurst	Young, Ill.
Towell, Nev.	Whitten	Young, Tex.
Treen	Widnall	Zablocki
Udall	Williams	Zion
Ullman	Wilson, Bob	Zwach
Van Deerlin	Wilson, Charles H., Calif.	
Vander Jagt		
Vanik		

NOES—14

Bafalis	Hudnut	Steiger, Wis.
Byron	Martin, Nebr.	Wampler
Dennis	Roncallo, N.Y.	Wydler
Goodling	Sarbanes	Young, Fla.
Gross	Schroeder	

NOT VOTING—83

Andrews, N.C.	Frey	Mosher
Archer	Froehlich	O'Hara
Ashbrook	Fuqua	Peyser
Ashley	Giaimo	Pickle
Aspin	Goldwater	Podell
Baker	Green, Oreg.	Quillen
Bell	Griffiths	Reid
Brasco	Hammer-schmidt	Riegle
Brotzman		Rooney, N.Y.
Brown, Calif.	Hanna	Sandman
Broyhill, N.C.	Hawkins	Satterfield
Burton	Hays	Shoup
Cederberg	Hébert	Shriver
Chisholm	Howard	Snyder
Clawson, Del	Ichord	Steed
Clay	Jones, Okla.	Steelman
Cochran	Lent	Stephens
Conyers	McClory	Stokes
Crane	McCloskey	Sullivan
Davis, Ga.	McCormack	Symington
Dellums	McKay	Taylor, N.C.
Donohue	Mailliard	Ware
Dorn	Mallary	Wiggins
Eilberg	Mathis, Ga.	Winn
Esch	Melcher	Wyatt
Evins, Tenn.	Metcalfe	Yatron
Fish	Mills, Ark.	Young, Alaska
Flowers	Mitchell, Md.	Young, S.C.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Howard with Mr. Steelman.
Mr. McCormack with Mr. Dellums.
Mr. McKay with Mr. McClory.
Mr. Donohue with Mr. Crane.
Mr. Metcalfe with Mr. McCloskey.
Mr. Pickle with Mr. Ashbrook.
Mr. Yatron with Mr. Mallary.
Mr. Ashley with Mr. Conyers.
Mr. Evins of Tennessee with Mr. Goldwater.
Mr. Mitchell of Maryland with Mr. Hanna.
Mr. Hays with Mr. Mailliard.
Mr. Riegle with Mr. Bell.
Mr. Andrews of North Carolina with Mr. Archer.
Mr. Brasco with Mr. Hammerschmidt.
Mr. Rooney of New York with Mrs. Griffiths.
Mr. Podell with Mr. Stokes.
Mr. Hébert with Mr. Mosher.
Mr. Satterfield with Mr. Baker.
Mr. Clay with Mr. Brown of California.
Mrs. Chisholm with Mr. O'Hara.
Mr. Burton with Mr. Lent.
Mr. Aspin with Mr. Hawkins.
Mrs. Green of Oregon with Mr. Esch.
Mrs. Sullivan with Mr. Peyser.
Mr. Mills of Arkansas with Mr. Broyhill of North Carolina.
Mr. Jones of Oklahoma with Mr. Brotzman.
Mr. Davis of Georgia with Mr. Quillen.
Mr. Eilberg with Mr. Fish.
Mr. Dorn with Mr. Cederberg.
Mr. Fuqua with Mr. Shoup.
Mr. Flowers with Mr. Del Clawson.
Mr. Giaimo with Mr. Frey.
Mr. Ichord with Mr. Cochran.
Mr. Mathis of Georgia with Mr. Snyder.
Mr. Steed with Mr. Froehlich.
Mr. Reid with Mr. Shriver.
Mr. Melcher with Mr. Ware.
Mr. Symington with Mr. Young of Alaska.
Mr. Taylor of North Carolina with Mr. Winn.
Mr. Stephens with Mr. Wyatt.
Mr. Young of South Carolina with Mr. Wiggins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senator to the Joint Resolution (H.J. Res. 727) entiled "a Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes."

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on H.R. 10203, just passed.

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

There was no objection.

PERSONAL EXPLANATION

Mr. PETTIS. Mr. Speaker, on electronic rollcall 520, I am recorded as having voted "no." I intended to vote "aye" and would like the official RECORD to show this correction.

CONFERENCE REPORT ON H.R. 9639, NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACT AMENDMENTS OF 1973

Mr. PERKINS. Mr. Speaker, I call up the conference report 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, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman from Kentucky if he proposes to take some time to explain this conference report?

Mr. PERKINS. Mr. Speaker, I do.

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

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of October 3, 1973.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

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

There was no objection.

Mr. PERKINS. Mr. Speaker, I bring up today for consideration the conference report on H.R. 9639, a bill 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.

This bill was approved by the House of Representatives on September 13 and approved by the other body on September 24. The conferees on the bill met on October 1 and 2 and have submitted the conference report now before the House.

Mr. Speaker, the child nutrition programs, including lunches and breakfasts as well as the special milk program are being severely and adversely affected by the sharp increases that have occurred in the cost of food, particularly, and other costs as well. This is true, quite simply, because the first purpose of these programs is to provide good nutritious food to our Nation's children. Food costs alone account for over 50 percent of the total cost of providing lunches. Hence, when you have a 30-percent increase in food prices in just a 12-month period, the financial impact on the school lunch program has to be severe and far-reaching. In essence, it threatens the entire structure and framework under which lunches are being served daily to some 25 million children across the country.

In this period of crisis, school lunch programs in all sections of the country are asking for our financial help. They are also seeking help and increased funding from their State and local governments because the bill before us goes only part way toward meeting the higher operating costs that are being encountered by the schools this year. Frankly, in my view, I would wish that this bill were more generous in helping meet the needs of the school feeding programs so that many more children could be reached with the kind of nutrition they need.

Overall, it is my fervent hope that the passage of this bill will provide a considerable measure of assurance to school lunch officials across the country that the Federal Government does not intend that the schoolchildren of this Nation shall be the victims of inflationary pressures that could destroy the child nutrition programs.

H.R. 9639, as reported by the conference, contains all of the basic features which were included when it passed the House:

First. The Federal reimbursement for all lunches served has been increased from 8 cents to 10 cents. The amendment of the other body to increase immediately the reimbursement rate to 12 cents was not accepted by the House conferees. An escalator provision insuring that any further increases in the cost of producing a lunch shall be reflected in an increase in the Federal reimbursement rate, was agreed upon.

Second. The increase in the Federal reimbursement rate for lunches served to needy children—45 cents for a free lunch and 35 cents for a reduced price lunch, as approved in the House bill, was retained. Under this special assistance factor for free lunches of not less than 45 cents, there is a Federal guarantee of a minimum payment for each free lunch which shall not be less than 45 cents. Moreover, section 11 requires that the State determine the individual need of a school for assistance. The State, upon making a determination that a school has shown special need, shall provide additional special assistance reimbursement within a maximum per lunch amount established by the Secretary. By this legislation, the Congress does not mean to deprive any school district of funds to be used in the preparation of meals for needy children. Rather it is intended that all schools shall receive additional help above what they have been receiving for the service of free and reduced price meals. Under the new bill, it is expected that the Secretary will, pursuant to the new authority, provide to schools that are especially needy, additional reimbursements over and above the 45-cent minimum in special assistance for each lunch provided to a needy child.

Third. Increases in the breakfast program reimbursements as approved in the House bill are sustained in the conference report.

Fourth. The provision in the House bill to substitute cash grants to the schools for commodities which the Department of Agriculture is unable to purchase at budgeted levels is retained.

I am most pleased that under the conference report, the price of milk to schoolchildren will be rolled back close to levels that were charged at the close of school last year. Further, children from low-income families will be able to receive milk free of charge, in addition to the milk served in the type A lunch, to the extent that such children need additional milk for their nutritional well-being. This provision insures the continuation of the milk program in all schools and nonprofit child-care institutions which desire to have the program.

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

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. What is a nonprofit child?

Mr. PERKINS. That is a child in a nonprofit school or child care institution.

Mr. GROSS. I am glad the gentleman enlightened me. I did not know there was such a thing as a nonprofit child.

Mr. PERKINS. The gentleman well knows we are talking about nonprofit institutions. It is also my strong hope that local communities, with State help, and the additional funds provided under this bill, will roll back lunch prices that were increased this fall. This action will encourage wider participation among children from middle-income families that are in danger of being priced out of the program. I would urge each community to use all resources available to bring about a reduction in lunch prices.

In this connection, I wish to call special attention to an amendment by the other body to the House bill. This amendment increases the level of eligibility for reduced price meals at not to exceed 20 cents, to 75 percent above the income poverty guidelines, compared to the existing standard of 50 percent. This means that many more children will be eligible for a reduced price meal than heretofore. I strongly urge that local communities take advantage of this provision.

The bill also provides for the continued operation of the special supplemental food program for women, infants, and children. The WIC program holds out the promise to thousands of impoverished mothers that their children will not suffer growth deficiencies caused by prenatal and early childhood malnutrition. In its initial period of authorization, fiscal years 1973 and 1974, the Department of Agriculture was required to expend $40 million on the WIC program. This bill now requires the Department to expend an additional $40 million in fiscal 1975. Its twofold purpose of providing hundreds of thousands of infants and mothers with high nutrient foods, and obtaining from the program significant medical data on the effects of good early infant nutrition, lead me to the conclusion that this will be money well spent. At a future date, depending upon the evaluative data, we will have to determine whether it should become a permanent progam.

The conferees also agreed to an amendment directing the Secretary of Agriculture to conduct a comprehensive study to determine if the benefits of the child nutrition programs are accruing to the maximum extent possible to all of the Nation's children. In addition, the amendment provides that the other Government agencies such as the Department of Health, Education, and Welfare, and the General Accounting Office, and private professional organizations and individuals concerned with child nutrition, will have an opportunity to make recommendations as a part of the overall study. The study will also be directed toward considering alternatives to the present structure of the child nutrition programs, including but not limited to the universal feeding program, as has been proposed in the previous Congress. I wholeheartedly endorse the idea and concept of this study.

The school lunch program for all children in all localities of the Nation. This was the original concept of the program when the National School Lunch Act was passed in 1946. In essence, the central purpose of the bill before you is to continue and to strengthen that basic objective.

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. YATES. 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. 522]

Anderson, Ill.	Frey	O'Hara
Andrews, N.C.	Froehlich	Peyser
Archer	Fuqua	Pickle
Ashbrook	Giaimo	Podell
Ashley	Goldwater	Pritchard
Aspin	Green, Oreg.	Quillen
Baker	Griffiths	Reid
Bell	Hammer-schmidt	Riegle
Blatnik	Hanna	Rogers
Boland	Harvey	Roncalio, Wyo.
Brasco	Hastings	Rooney, N.Y.
Brotzman	Hawkins	Sandman
Brown, Calif.	Hays	Satterfield
Broyhill, N.C.	Hébert	Schneebeli
Burton	Howard	Shoup
Cederberg	Ichord	Shriver
Chisholm	Jones, Okla.	Sikes
Clancy	Landrum	Snyder
Clark	Lent	Steed
Clawson, Del	McClory	Steele
Clay	McCloskey	Steelman
Cleveland	McCormack	Stephens
Cochran	McKay	Stokes
Conyers	Mailliard	Sullivan
Corman	Mallary	Symington
Crane	Martin, N.C.	Taylor, N.C.
Culver	Mathis, Ga.	Teague, Tex.
Davis, Ga.	Melcher	Udall
Dellums	Metcalfe	Vigorito
Diggs	Mills, Ark.	Wampler
Dingell	Mitchell, Md.	Ware
Donohue	Mizell	Wiggins
Dorn	Montgomery	Winn
Eilberg	Mosher	Wyatt
Esch	Moss	Yatron
Evins, Tenn.	Murphy, N.Y.	Young, Alaska
Fish	Nichols	Young, S.C.
Flowers		Young, Tex.

The SPEAKER, On this rollcall 321 Members have recorded their presence by electronic device, a quorum.

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

CONFERENCE REPORT ON H.R. 9639—NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACT AMENDMENTS OF 1973

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS), has consumed 4 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

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

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

Mr. POAGE. Mr. Speaker, I have no intention of objecting to or criticizing what has been done, but for the record I want the House to understand that this conference report contains matter on a number of items that are clearly under the jurisdiction of the Committee on Agriculture.

The Committee on Agriculture provided the first school lunch legislation that we have ever had, and that was in 1946, I believe, and within less than a year there was a reorganization that put the jurisdiction of the school lunch program under the Committee on Education and Labor.

The Committee on Agriculture provided the first legislation for school breakfasts. The jurisdiction has not been transferred. The Committee on Agriculture has always had the jurisdiction over surplus commodities, and the jurisdiction has not been transferred.

There are changes in the legislation in this bill, relating to these items al-

though they do not, I believe, carry a great deal of weight.

More importantly, the Committee on Agriculture created the school milk program, and clearly has jurisdiction over the school milk program. This bill amends the school milk program.

I am not finding fault with the amendments that are proposed or with the action of the committee in accepting amendments offered by the other body, but I do want the record to show that the Committee on Agriculture has not abandoned jurisdiction over these matters; that we have brought every one of these matters to this House; that we are not the enemies of the schoolchildren that some people have thought. And that it is the Committee on Agriculture, and not some other committee, that has provided these programs for the assistance of the schoolchildren in the United States.

While we are not objecting to the present action, we want the record to clearly show that the Committee on Agriculture is not waiving any jurisdiction. I thank the gentleman for yielding.

Mr. PERKINS. Let me say to my distinguished colleague, the gentleman from Texas, that we have no intention of usurping any jurisdiction of the Committee on Agriculture. True enough, the Committee on Agriculture has jurisdiction over the milk program. The only time that we have both legislated in the area is in the Child Nutrition Act which included the milk program and, of course, we have always had jurisdiction over the breakfast program. I do want to state that this item was enacted by the Senate bill.

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

Mr. PERKINS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding.

I heard the colloquy a moment ago and one of the things I wanted to point out here is that the gentleman's committee has done a fine job and many, many fine things, and things we all wish we could do. Be that as it may, I think we need to warn our good friend, the gentleman from Kentucky, that the effort to deal with capturing or directing the use of section 32 funds, the primary purpose of which is to produce food, and taking these section 32 funds and using them for commodities or lunches or any other program is kind of like eating up the seed corn. If we do not have section 32 funds, which are 30 percent of the import duties, available in this country to assist in the production of commodities, that is eating up the seed corn.

I say this here just to warn the gentleman that with the best of intentions on his part, he is still toying with dynamite when he leans toward getting section 32 funds for this purpose. If things are needed, they should be appropriated for, and we should not endanger the production of food, for this money to mean anything to the children or the people of the United States.

Mr. PERKINS. Let me say to my distinguished colleague, the gentleman from Mississippi, every time the Committee on Education and Labor has ever provided funds or touched section 32 of the Act of 1935, we have left ample funds there. There has always been an adequate carryover, and the purpose of it, as I understand, was to promote the welfare of agriculture. I know of no better place to promote the welfare of agriculture than using some of these funds that we have used in the past for the School Lunch Act.

Mr. WHITTEN. I accept the gentleman's statement. It is his understanding; I respectfully differ with him as to his understanding.

The purpose of the act was to promote the production of agricultural commodities, which means prosperity for those in farming. We have over 4,000 farmers who quit the farm every year, and it is getting risky.

Mr. PERKINS. I agree with that statement.

Mr. Speaker, the estimated cost of the amendments to the school lunch program is approximately $186 million in this conference report. The price of food has gone up 17 percent in the last couple of months, and we are going to price the children out of the school lunchroom if the Congress does not take this action and make up the difference. If this is subsidizing the school lunch program to the extent that we have in this conference report, it is money well spent. I feel every Member of this body should vote for this conference report.

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

Mr. PERKINS. I yield to my distinguished colleague, the gentleman from Washington, who has worked so hard.

Mr. MEEDS. Mr. Speaker, it has come to the attention of the members of the committee and many Members of the House from some States through their food directors that the Department has indicated that they will interpret section 11 (a) and (b) to require the Secretary to provide 45 cents as an average rather than as a minimum. The effect of this, Mr. Speaker, is to actually cut back in some areas the amount of the funds available for the school lunch program, when the effect and the intent of this committee, this House, and the other body was to provide for all areas of this country an increase to take care of the increase in the cost of living that has occurred.

This is obviously a strained interpretation. As a matter of fact, I have pored over it and tried to envision how they could possibly interpret it this way. I do not think any court would for 10 minutes interpret it this way, because the intent of the Congress appears clear to me.

But in any event, this interpretation would be completely antithetical to this bill. I am sure this House does not want that kind of strained interpretation placed on this section.

Would the gentleman agree with me that that is, indeed, a strained interpretation and that it is not the intent of the chairman that that be the interpretation?

Amendment numbered 12 states that the special assistance factor for free lunches should not be less than 45 cents.

It is my interpretation that this is a minimum and the Secretary has the authority and flexibility to go upward. Clearly it was the intent to aid all schools by providing them with additional funds in order to help them meet the greatly increased costs of serving meals to needy children.

Mr. MEEDS. Indeed, if the gentleman will yield further, I would like to ask a question.

Mr. PERKINS. I yield to the gentleman from Washington.

Mr. MEEDS. And in section 11(d) the language says that it shall be based on the need of the schools for such special assistance, such maximum amount as established by the Secretary shall not be less than 60 cents.

So in the especially needy situation we are saying there must be at least 60 cents and giving the Secretary flexibility even above 60 cents.

Mr. PERKINS. That is my interpretation.

Mr. QUIE. Will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. I should point out here that the language of the House bill and the Senate bill are identical on this matter and there was a change in the legislation from the present law.

As far as I am concerned, what will have to be done in the four States, New York, New Jersey, Rhode Island and Maryland, in which the average payment is higher than 45 cents, is they are going to have to work this thing out with the Department. There is no way we can do anything here in the consideration of the conference report as far as making any change in the legislation.

It is true that the bill eliminates the formula we once used, so there has been a change in that and it is not something that we can resolve here; that has to be resolved within those States.

As far as fairness is concerned, it is hard for me to believe that New York has more cost than Connecticut and Massachusetts or that Maryland has more cost than Pennsylvania has in the cities. This has been a problem for the past that they are going to have to work out between them and the Department.

But the bill says that it shall not be less than 45 cents. It does not say anything about it should be different in one State than another. The Secretary can put it at a higher level, but it is not a strained interpretation that the figure is uniform for all States; it is the only possible interpretation of the language of the bill.

Mr. MEEDS. Is the gentleman maintaining it is the intent of Congress to provide less money in certain areas by the passage of this bill? Is that what the gentleman is maintaining?

Mr. QUIE. This gentleman does not maintain that anybody should receive less.

Mr. MEEDS. Does the gentleman know that is the effect of his interpretation?

Mr. QUIE. No. It is not the effect. I had checked on this and in no State will the aggregate of money that they receive in the school lunch program be less than they received last year.

Mr. MEEDS. The gentleman is correct; but in some areas it will be because

of the power and the authority of the Secretary to grant especially in the needy circumstances amounts above 45 cents or 40 cents, as it was in the prior legislation; so that will have to come out of the State's total entitlement now and some areas will receive less than they did before. In all probability New York City is one of these areas.

Mr. QUIE. Then this will have to be up to the State. If they do pay more in one area than in another, then they will have to make some arrangement within the State. They will not receive less money, but unless they get approval from their State's department to increase in one area and therefore decrease in another, then they will not be able to receive this money.

Mr. MEEDS. The gentleman is placing a strained interpretation on it.

Mr. QUIE. I am not placing any interpretation on it myself. I am saying that is the way the Department of Agriculture would interpret it. This is not something that was discussed in the committee and the floor of the House. I do not know about the other body. It was not a subject that was discussed in the conference either. It is something that has come up since that time.

So, as far as any determination on the part of the Congress, we have not stated anything on that.

Mr. MEEDS. In other words, it was not discussed because it was felt to be so clear that it was beyond question and why should it be discussed, except that we now know that they placed this interpretation on it, and that is what raises the question.

Mr. QUIE. I will state to the gentleman now, as I said earlier, that now it will have to be up to the States to work it out with the Department of Agriculture. As the gentleman indicated, if they have to go through the courts, if they interpret the language differently; but right now everybody is going to have to go up the line and interpret it to the best of their judgment. That is the way the general counsel will have to do it, and if that is the way this thing is; they will have to work it out.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I would like to ask the chairman of the committee, what is the level of funding?

Mr. PERKINS. The supplemental food program was authorized at $40 million for fiscal year 1975.

Ms. ABZUG. For each of the fiscal years, the 2-year period, or for each fiscal year?

Mr. PERKINS. It was $20 million for the first 2 years and $40 million for the third year, as I understand it.

Ms. ABZUG. For fiscal 1975, it is $40 million and prior to that it is $20 million? It was my understanding that it was to be $40 million for fiscal 1974 and $40 million for fiscal 1975.

Mr. PERKINS. The combined 1973 and 1974 authorization was $40 million.

(Ms. ABZUG asked and was given permission to revise and extend her remarks.)

Ms. ABZUG. Mr. Speaker, I thank the chairman. It is important to emphasize our intent behind the provisions in this bill pertaining to the extension and funding of the special supplemental food program for women, infants, and children. Last year we passed legislation requiring the Department of Agriculture to set up the women, infants, and children program through which thousands of poor pregnant and nursing women, infants, and children under 4 years of age living at nutritional risk, were to receive high nutrient food. That legislation mandated women, infants, and children operations for fiscal years 1973 and 1974 at a total expenditure of $40 million, $20 million in each year. We passed the women, infants, and children legislation in the hope of aiding impoverished youngsters so that they can avoid malnutrition and its inevitable consequences. The Department of Agriculture failed to implement the women, infants, and children program in fiscal 1973 and is now required, both by our legislation and a Federal district court order, to expend the total $40 million mandated for women, infants, and children in fiscal 1974. The legislation we are considering today underlines our intent that the women, infants, and children program should be fully implemented this year—fiscal 1974. In addition it requires that the program be continued into and through fiscal 1975 and that $40 million be expended for the program in fiscal 1975. Thus, the women, infants, and children program will be funded for a total of $80 million during the period of fiscal 1973 through fiscal 1975. These funds must be used. We cannot tolerate any more stalling actions by the Department of Agriculture. The health of too many children is at stake, and the risk of permanent damage too imminent to allow for further delay or intransigence in carrying out the women, infants, and children program.

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

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

Mr. KUYKENDALL. Mr. Speaker, if the chairman would refer to page 22, section 17, on the special supplemental food program, I would like to make a little legislative history here because of the problems of a hospital in Nashville, Tenn.

Is it the intent of this legislation—and the gentleman from Washington may wish to respond to this also—is it the intent of this legislation that an already existing, ongoing program be eligible as well as an original program during this period, if it otherwise qualifies?

Mr. PERKINS. That is correct.

Mr. MEEDS. I would say so, yes.

Mr. KUYKENDALL. Mr. Speaker, I particularly want to thank the gentleman for this information. I think it will go a long way toward solving the problem of the hospital.

Mr. QUIE. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING) who desires to ask a question.

Mr. GOODLING. Mr. Speaker, I ask for this time so that I may ask the chairman of the committee a question.

What is the total price tag of this bill?

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

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

Mr. PERKINS. Mr. Speaker, the total price tag of this bill is $186 million.

Mr. GOODLING. Mr. Speaker, is there any reason why this bill should not be changed to the Department of Education rather than the Department of Agriculture?

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague that I have heard that question before many times, but I feel that on this bill the Department of Agriculture has done a wonderful job, and it is its decision to dispatch commodities. They have always done it throughout history and do a better job than the Department of Health, Education and Welfare.

Mr. GOODLING. Mr. Speaker, is it not true also that at one time the Committee on Agriculture had jurisdiction over the legislation?

Mr. PERKINS. That may have been true before I came to Congress.

Mr. QUIE. Mr. Speaker, I urge my colleagues to support the conference report.

Mr. SKUBITZ. Mr. Speaker, I want to commend the House conferees for the wisdom and compassion it has shown in accepting amendment 14 proposed by the junior Senator from Kansas (Mr. DOLE).

The enactment of section 5(D)(2) of Public Law 874 has placed Kansas and North Dakota between a rock and a hard place.

This section of the law states that, first, no payment may be made during any fiscal year to any local education agency in any State which has taken into consideration impact aid programs to its school district in determining the amount of State aid to that local school district.

Now the intent of section 5(D)(2) which was enacted in 1968 was to prevent States from lowering their aid to local school districts because of "impact aid" to those districts.

While in legal conflict with this section—the equalization laws passed in Kansas and North Dakota have not diminished their support for these districts.

In Kansas, State assistance under the law represents 43 percent of the total general fund budget of all school districts.

In the three largest impacted districts, State assistance averages 54 percent of the school district's budget.

I repeat, the State has not reduced its financial responsibility.

The amendment would not affect in any way the impacted aid program in any other State.

The amendment would allow Kansas and North Dakota to receive the same amount to which they would be entitled if they had not enacted equalization legislation—approximately $8.1 million for Kansas.

As matters stand now, Kansas and North Dakota have been notified by the director of the Impact Aid Program that without this amendment, all impact aid funds to our States are being withheld.

Even if our State legislators met in emergency session, there would not be time to redraw the complicated equaliza-

tion formula involved in school finance legislation.

In the State of Kansas, reversion to the old school finance law would be against a court order ruling the old law unconstitutional.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

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

The Clerk read as follows:

Senate amendment No. 5:

Page 3, line 7, after "lunches." insert: "For fiscal years subsequent to the fiscal year beginning July 1, 1974, the Secretary shall prescribe reimbursement rates for lunches served under section 4 of the National School Lunch Act and section 11 of the National School Lunch Act, and 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 this Act by giving equal weight to changes in the wholesale prices of all foods and hourly wage rates for employees of eating places published by the Bureau of Labor Statistics of the Department of Labor."

MOTION OFFERED BY MR. PERKINS

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

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 5, and concur therein with an amendment, as follows: In lieu of the matter proposed to be inserted by Senate amendment numbered 5, insert: "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."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 9: Page 7, line 17, strike out all after "(b)" over to and including line 5 on page 8 and insert: "Section 17(b) of such Act is amended by inserting immediately after the second sentence thereof the following: 'In order to carry out such program during the fiscal year ending June 30, 1975, there is authorized to be appropriated the sum of $40,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1974, the Secretary shall use $40,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $40,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)).'"

MOTION OFFERED BY MR. PERKINS

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

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 9, and concur therein.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 13: Page 8, after line 9, insert:

"COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

"SEC. 10. 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 those children and schools who are most in need and report his findings, together with any recommendations he may have with respect to additional legislation, to the Congress no later than June 30, 1974."

MOTION OFFERED BY MR. PERKINS

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

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 13, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted by Senate amendment numbered 13, insert:

"COMPREHENSIVE STUDY OF BENEFITS OF PROGRAMS

"SEC. 10. 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 diffrentials 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."

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 14: Page 8, after line 9, insert:

"PAYMENTS TO LOCAL EDUCATIONAL AGENCIES UNDER PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

"SEC. 11. Section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress), shall not operate to deprive any local educational agency of payments under such Act during the fiscal year ending June 30, 1974, as if such local educational agency is in a State which after June 30, 1972, has adopted a program of State aid for free public education which is designed to equalize expenditures for education among local educational agencies in that State. This section shall be effective on and after July 1, 1973, and shall be deemed to have been enacted on June 30, 1973."

MOTION OFFERED BY MR. PERKINS

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

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to the amendment of the Senate numbered 14, and concur therein with an amendment, as follows: Page 6, line 3, of the Senate engrossed amendments, strike out "as".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PERSONAL EXPLANATION

Mr. CAMP. Mr. Speaker, the CONGRESSIONAL RECORD as of yesterday, October 11, 1973, shows that on rollcall No. 518, on consideration of H.R. 10614, the military construction authorization bill, that I was absent. I was in the Chamber, and I did vote. I voted in the affirmative.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) if he will give us the program for the rest of the week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, there is a strong rumor that this may be the last time I will be addressing the gentleman from Michigan as the "minority leader," and if that is true, I extend to the gentleman the good wishes of the House.

Mr. Speaker, the program for the week of October 15, 1973, is as follows:

On Monday, we will call the Consent Calendar, and we will consider five bills under suspension as follows:

H.R. 10511, Federal-Aid Highway Act amendment;

H.R. 974, Wright Patman Dam and Lake;

H.R. 9611, B. Everett Jordan Dam and Lake;

S. 907, Arctic Winter Games, Alaska authorization; and

H.R. 8346, National Building Standards Act.

On Tuesday, we will call the Private Calendar, and we will consider three bills under suspension, as follows:

H.R. 9450, Transfer of NS *Savannah* to city of Savannah, Ga.

H.R. 5450, Ocean Dumping Convention implementation; and

H.R. 10717, Menominee Indian Restoration Act.

We will also consider H.R. 9681, Emergency Petroleum Allocation Act, under an open rule, with 1 hour of debate.

On Wednesday and the balance of the week, the program is as follows:

H.R. 3927, Environmental Education Act Extension subject to a rule being granted;

H.R. 10397, Cabinet Committee on Opportunities for Spanish-Speaking People, subject to a rule being granted; and

H.R. 10586, Use of Health Maintenance Organizations for Champus Program, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced at a later date.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I previously asked unanimous consent, and it was granted, that the House when it adjourns today adjourn to meet at 10 o'clock tomorrow morning. This is merely a reminder.

IN HONOR OF OUR POSTAL SERVICE

(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, I would like to share with my colleagues the comments of a constituent, and his appreciation for the speedy, accurate mail delivery in Dallas.

For the benefit of those who doubt the Postal Service's efforts at economy and efficiency, let me relieve their doubts.

Mr. Morton Newman of Dallas writes that his wife used only one 8-cent postage stamp to send a letter to Dallas.

However, the 8-cent economy rate took that letter all the way to Tanzania.

Because of this economy mail passage, international relations may have been furthered and a pen-pal relationship begun between my constituent, Mr. Newman and Mr. David Whitson of Lindi, Tanzania.

For in returning the errant letter to Mr. Newman, Mr. Whitson wrote a message challenging the believability of the letter's route.

Mr. Speaker, I would like to express my sincere appreciation to the U.S. Postal Service for being so concerned about international affairs and human relations as well as delivery of the U.S. mails.

I would submit that the Newman adventure is an accounting of the blithe spirit operating in our U.S. Postal Service.

To corroborate this adventure, I should like to make the erring envelope and correspondence a part of the RECORD:

MORTON D. NEWMAN,
Dallas, Tex., October 5, 1973.

Hon. E. T. KLASSEN,
U.S. Postal Service,
Washington, D.C.

DEAR MR. KLASSEN: Please accept my sincere thanks for your organization's efforts in providing me with a very distant correspondent. Further, words can't express my gratitude for having been given that tingle of excitement known only to those select few who have discovered the misdelivery of their mail. I needed that!

I refer to the enclosures herein which are photocopies of:

Pg. 1—Envelope mailed by my wife containing routine payment to a local creditor, and

Pg. 2—Letter from a nice man and the envelope transmitting such letter (beautiful stamps) together with the envelope shown on page 1.

The fact that our letter practically circumnavigated the globe for only 8 reuseable cents (even though it was intended to travel a few short miles) is a tribute to the efficiency and daring of the United States Postal Service.

I ask, however, that the Service be neither so daring nor efficient with regard to my mailing of tax returns, Court legal papers where deadlines are concerned, etc. Nor would I desire such special treatment for my clients' payments to me.

Should you receive this letter, please accept my encouragement to "keep up the good work".

Sincerely,

MORTON D. NEWMAN.

BAPTIST MISSION OF EAST AFRICA,
Lindi, Tanzania, September 21, 1973.

DEAR SIR: The ways of the post office are indeed strange. I think you will have a most difficult time convincing them your letter was sent to Lindi, Tanzania.

Sincerely,

DAVID WHITSON.

CALIFORNIA COMMUNITY COLLEGES TODAY

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

Mr. EDWARDS of California. Mr. Speaker, last week more than 120 California community college educators gathered here in Washington to alert California Congressmen and Federal education officials to their unique functions and problems. It was my pleasure to attend their luncheon conference and to meet with representatives of the community colleges in my district—San Jose City College, Chabot College in Hayward, and Ohlone College in Fremont. I would like to share with my colleagues some very interesting facts about California's innovative, unusual, and highly successful approach to continuing education.

The State of California has 98 public and 3 private community colleges, enrolling over 950,000 students per year, one-third full time and two-thirds part time. Originally authorized by the State legislature as part of the secondary school system, community colleges have now become independent, unique, multipurpose institutions, providing a variety of educational and community services. Bearing a major portion of the lower division training of California college students, they send over 140,000 students a year on to 4-year colleges and universities. Of those students transferring, 85 percent go on to complete 4-year programs, a remarkable record of achievement. In addition to providing standard curriculum leading toward a bachelor's degree, these colleges offer broad based programs of vocational and technical training designed for continuing education, retraining, upgrading of skills, overcoming language and cultural barriers, and specific job training. All educational programs are accompanied by individualized counseling and guidance, tailored to the particular needs of the interested student. While offering remedial, supplemental, and other specialized services, counseling is also geared to keeping close track of the local employment situation and job availability. The aim is to provide counseling and training that leads to real jobs and real opportunities for advancement.

As a logical extension of both their local origins and their name, these colleges also provide a wide variety of community services, offering the use of college resources and facilities or short courses and seminars, for cultural and recreational purposes. Each institution is an integral part of the community it serves, reflecting the community's particular culture and population and serving its specific needs and desires. Thus from district to district, colleges vary in design and scope. However, despite their diversity and individuality, every California community college is tuition free. In this respect, they differ not only from other institutions of higher learning in California, but from other community/junior colleges throughout the country. The open-door policy, together with the opportunity to live at home, encourages people of all ages, from all cultural backgrounds, regardless of economic status, to take advantage of and participate in community college programs. The result has been the education and training of large numbers of people in a democratic setting to meet the complex and constantly changing needs of our technological society.

While California's community colleges have achieved special successes, they have at the same time run into special problems related to their unique status. Since they attend tuition-free institutions, community college students rarely meet the requirements for Federal student assistance. The new basic opportunity grants—BOG's—program, which provides aid directly to needy students, thus almost completely bypasses California community college students. As

a result, the colleges themselves receive much less Federal assistance than other institutions which charge tuition while costs are roughly comparable. It seems to me that we must seek some way to encourage tuition-free colleges like California's community colleges to maintain that status by providing them with some special form of assistance not related to student financial need. Without such provisions, we will actually be discriminating against a policy which is most democratic and, in fact, we will be encouraging education for only those who can afford it.

Community colleges also suffer a less tangible but no less damaging form of discrimination because they are commonly viewed as watered-down versions of 4-year educational institutions—offering less hearty courses, taught by less qualified professors to less committed students. Not only does this point of view overlook the variety of programs and services offered by community colleges to a broad cross-section of the population, but it also ignores the special values of a community-based institution. Students, professors, counselors, and administrators meet not only in the academic forum, but as members of the same local community. Because professors are not under the publication and research pressures that are endemic at 4-year universities, they have more time to teach and interact with students. Because guidance and programs are tailored to individual and community needs, counselors and administrators talk to and meet with students and local leadership. Because students are there to learn and not to meet peer group pressures and parental expectations, they are enthusiastic, committed and involved with all aspects of community college life. Those of us who are familiar with these unique and valuable attributes should strive to make others aware of them, relieving community colleges of the stigma of being "inferior" colleges and putting them in their rightful place as institutions offering a practical, constructive, and needed alternative in higher education. One place to begin this "education" is at the Office of Education here in Washington. At the present time, the staff of the community college section numbers exactly two. In the Office of Higher Education, the bias is definitely toward 4-year institutions.

In addition, Members of the California delegation might want to keep in closer touch with the community colleges in their district to learn how they can be of assistance and what their local colleges are doing. Other Congressmen might want to learn how junior and community colleges in their States might follow California's example. In short, I think that we can all profit from greater awareness of the role that community colleges can and do play in education.

LAKELAND WEATHER SERVICE OFFICE HAS WON COMMENDATION FOR SPECIAL ACHIEVEMENT

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

Mr. HALEY. Mr. Speaker, I was proud to learn from the Commerce Department today that the National Weather Service Office in my congressional district has won the National Oceanic and Atmospheric Administration's unit citation for special achievement.

The staff of the Lakeland Weather Service Office was commended for providing outstanding specialized agricultural forecasting to the north Florida area and for management of the north Florida Weather Wire Service for the past year. The Lakeland Weather Service Office has long been noted for providing the citizens of Florida with accurate and helpful weather forecasts. During the winter of 1972–73, the temperature dropped to 36 degrees or lower on 40 nights. The accurate freeze forecasts and warnings disseminated by the Lakeland Weather Service Office staff enabled growers to take the necessary measures to protect the crops, and are credited with saving thousands of dollars.

Therefore, it was indeed a pleasure to learn that the Lakeland Weather Service Office has now received national recognition for their vital service to the residents of Florida. The NOAA unit citation recogizes groups of employees who, through individual and collective effort, have made substantial contributions to NOAA programs or objectives. The unit plaque is to be presented at an NOAA awards ceremony in Silver Spring, Md., today.

The 12-man team is also being cited for completing a major modernization of the Florida fruit-frost weather service that now provides improved service, better communications of critically important weather information to growers, and an overall improvement of operations.

James G. Georg is meteorologist in charge of the Lakeland Weather Service Office and Frederick L. Crosby is principal assistant. Other staff members include: Jimmie L. Burleson, Richard C. Holm, Gail W. Leber, John D. Thach, agricultural weather forecasters; Kenneth M. Labas, meteorologist intern; Robert G. Bonner, Donald B. Howell, William B. Parker, Willis V. Spicer, forecaster aides; and Thomas P. Clarke, substation network specialist.

NAVY BIRTHDAY

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

Mr. DORN. Mr. Speaker, as you know October 13 marks the 198th anniversary of the date that the Continental Congress authorized the construction of ships of the line that became the first units of what is now the U.S. Navy. In the ensuing 198 years that fledgling fleet has grown into an effective fighting force that not only paved the road to victory in both oceans during World War II but also has proven a strong deterrent to war in the years since. It was not so long ago that the presence of superior naval forces was the essential element that resolved the Cuban missile crisis in our favor, without going to war. The men and women of the U.S. Navy have long served on the frontiers of the cold war; and in my opinion, their willingness to accept the long family separations and personal inconveniences of life at sea while going about their Nation's business, has been instrumental in setting the stage for a hopeful détente. Thus, I consider it most fitting to read into the RECORD today the message of the Secretary of the Navy to the men and women of our Navy on the occasion of its 198th birthday:

NAVY BIRTHDAY 1973

As the strength of our nation rests with the unity of its families, so the Navy family has been the true strength of the Navy since the founding fathers authorized the acquisition and construction of our first ships in 1775. The accomplishments of our active duty men and women, Reservists, civilians, retirees and dependents have forged a proud tradition of service, sense of purpose and dedication. This year we pause to recognize and honor the deeds of all.

During the past 198 years, the Navy family has never hesitated when the call to duty has sounded. Their unselfish sacrifices have combined to make the Navy a vital protector in peace as well as war.

We are now building for tomorrow, building with a fervor that comes with a sense of the growing importance of the Navy as an essential link in our nation's future. As we build, we keep an eye on that which has gone before, incorporating the best, ever mindful of our heritage. As new members come into our Navy family, they are imbued with the same pride and principles of service that characterized our first seamen.

We are now sailing into the future and a new era of peace. But we must rededicate ourselves to the principles of peace through strength. The Navy family is our greatest asset for keeping the oceans free. For all of the reasons, Navy Birthday is truly "A Family Tradition."

JOHN W. WARNER,
Secretary of the Navy.

SPAIN—OUR FOUNDER

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

Mr. DE LA GARZA. Mr. Speaker, despite what we might have done about holidays falling on Monday, today, Friday, October 12, is Columbus Day—although the Nation celebrated it last Monday.

So today we rightfully observe a holiday of special significance to all of the nations of the Western Hemisphere, to the whole world—more particularly to Spain, the Spanish people and to all Americans of Spanish descent. On that date, 481 years ago, a group of Spaniards, outfitted and financed by King Ferdinand II at the request of the great and gracious Queen of Spain, Queen Isabella, landed on an island in the Western Hemisphere—an event known in history as the discovery of America.

This Spanish expedition overcame almost unbelievable obstacles to launch with the help of the Queen of Spain, this historical voyage into the then uncharted regions of the western Atlantic. The expedition was led by a sailor named Christopher Columbus who believed that he would find a new route to the East Indies. This Spanish group with their small sailing vessels, the *Nina*, the *Pinta*,

and the *Santa Maria*, set sail on August 3, 1492, with the blessings and at the direction of the Queen of Spain, from Palos, Spain.

Finally on October 12 this group of Spaniards came in sight of land and the opening of the New World for the other Spaniards which were to follow and colonize in the 1550's and 1600's. I am proud and happy to inform my colleagues that not too long after these dates the members of my family came to the New World.

It is worthwhile to remember that the Spaniards returned again and again to the New World with more ships and more men and landed on what are now Puerto Rico, Santo Domingo, and the Virgin Islands. Later on they ventured into the area which is now South America, Central America, and North America. I am happy to pay tribute to King Ferdinand and Queen Isabella, to the Spanish people—to that courageous group of sailors for their outstanding example of courage and determination and to the dedication which has marked the Spanish people in their great history. We should further pay tribute to them for the exploration of what is now Florida, Louisiana, the States of the Southwest and the Far West, and for bringing to the New World all of the people who were to begin the making of America.

Yes, we have much for which to be thankful to Spain and to all those courageous Spaniards who launched the New World and if we are today the greatest nation in the world we should never forget that it is so because a gracious Queen of Spain so willed it, and her subjects so made it. So to all Spaniards, and the descendants, we offer a special tribute, and our everlasting gratitude.

EXTRA LONG STAPLE COTTON PAYMENTS SHOULD BE STOPPED

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

Mr. MAYNE. Mr. Speaker, I am constantly besieged by mail from constituents asking questions or complaining about various Federal programs. We are in a position to cut down on this correspondence by taking some actions that will save the taxpayers money, put programs in prospective and accomplish what this administration started out to do, specifically get agriculture in a supply-demand position.

Mr. Speaker, I refer to the totally archaic payment program for extra long staple cotton. I am told that there are only 2,200 farmers producing this variety of cotton, yet the total payment from the Federal Government amounts to $6 million. That averages out at close to $2,700 per producer. However, further research shows that one producer in Texas received $37,077 for ELS cotton in 1972 at the same time he was receiving another payment for $19,237 for his upland cotton. One multiple owner farm in Arizona received $73,310 for ELS cotton and $75,314 for upland cotton the same year. There are many other instances where large payments have been made.

The gross inequity of this program is highlighted by the fact that these payments were made at the same time that cotton cash prices were the highest they have been in over 20 years.

The ELS cotton program is different and separate from other farm programs. It dates back to an act in 1958 directing that the maximum loan rate for ELS cotton shall be 200 percent of the loan rate for upland cotton and that a payment of this amount shall be guaranteed to equal 65 percent of parity.

The 1974 national average loan rate of 49.72 cents per pound compares with 38.20 cents per pound in 1973. The 1974 payment rate will be 10.86 cents per pound—it is 16.01 cents per pound this year. The total of the loan and payment rates for 1974 is 60.58 cents per pound which is 65 percent of parity, based on the parity price of 93.2 cents per pound in October.

Predictions by economists indicate that we will have another year of high cash prices for cotton—and this will again be supplemented by more payments of over 10 cents a pound to farmers who are legally eligible under the current programs. This cannot be justified, nor is it consistent with the administration's unlimited freedom to plant policy for upland cotton.

Mr. Speaker, the House should send the Secretary of Agriculture a mandate to come up with a program that will remain equitable for cotton farmers but at the same time be fair and equitable to the millions of taxpayers who pay for this program.

DEFENSE AUTHORIZATION BILL

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

Mr. DICKINSON. Mr. Speaker, the House and Senate conferees on the fiscal year 1974 defense authorization bill have concluded their joint conference, and announced the results on October 11. I would like to congratulate them, and particularly the House conferees led by our distinguished colleague from Louisiana, on a most constructive bill. It is one which meets the essential requirements on defense in these troubled times.

But I would like to draw attention to what we in the Congress almost did in our haste and enthusiasm to realize savings through cutting the defense authorization. Serious attempts were made in both this chamber and in the Senate not long ago to cut hundreds of thousands of men from our defense manpower levels, and to enforce arbitrary "ceilings" on national defense. Current events in the Middle East, and American stakes in the struggle there, only highlight the dubious wisdom of these proposals.

Let us recall the urgings heard in the Senate not long ago to cut back the SAM-D missile system—the keystone to field Army antiaircraft defenses of the 1980's. I would remind my colleagues that a principal element in the Arab success so far has been an umbrella of antiaircraft defense missiles—SA-2's, SA-3's, and SA-6's—and these have taken a heavy toll of Israeli aircraft, it would appear.

I remember hearing a call not long ago for the United States to slash U.S. tank production. I would only ask you to consider the key roles played by the tank forces on both sides in the Mideast.

My point is simply that we in the Congress have not only the authority but the constitutional responsibility to insure that national defenses are adequate. We do not discharge our responsibility well in this area with hasty or emotional action, or by sweeping meat ax cuts. Defense preparedness begins with a sober awareness of what it takes to defend ourselves, and a willingness to put substance behind our peacemaking sentiments.

The current tragedy between Arabs and Israelis is only another face of the naked reality and the unpredictable violence against which we must be prepared.

In our revulsion to this form of human behavior we have often tended to confuse a security policy of defense preparedness with a "war" policy, and as a consequence have sometimes cut our military muscle below the danger point. If we make this mistake, former Secretary of State and Gen. George Marshall has counseled—

We will be carrying the treasure and freedom of this great country in a paper bag.

A PLEA FOR LIVE BROADCAST COVERAGE OF VICE-PRESIDENTIAL PROCEEDINGS

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 30 minutes.

Mr. VAN DEERLIN. Mr. Speaker, when President Nixon discloses his choice of a new Vice President tonight, he will do so on live television and radio.

This is entirely proper. Nothing could be more acutely the people's business than the procedures for selecting the highest officials of the land.

The remaining part of the process lies with us on Capitol Hill. Let me express hope, Mr. Speaker, that Congress will be as responsive as Mr. Nixon has been toward the people's right to know what transpires in this matter.

Specifically, I hope the House and Senate leadership will agree that hearings into the President's nomination, as well as subsequent floor action confirming it, are proceedings which should be accorded opportunity for live coverage by radio and TV, as well as by the print media.

I heard timely support for this viewpoint just last night, in an address by the new president of Columbia Broadcasting System, Arthur R. Taylor, before a District of Columbia chapter meeting of Sigma Delta Chi, the national professional journalistic fraternity.

I obtained a copy of Mr. Taylor's remarks for insertion in the RECORD:

REMARKS OF ARTHUR R. TAYLOR, PRESIDENT, COLUMBIA BROADCASTING SYSTEM, INC.

Occasions such as this are appropriate and indeed even seem to provide a mandate for the speaker to sound the trumpet and reaf-

firm the ideas which are vital to our freedom as journalists. I believe, however, that at this time it would be inappropriate for me to do so for so many of you in the audience have been on the barricades for so long a time and I have been involved with you for so short a time.

This should not be interpreted to mean that I do not feel very deeply about the role of the press and our dedication to preserve the free flow of information.

The CBS heritage in this regard is a proud legacy of which I am constantly mindful. My deep commitment to the cause of free journalism and free broadcasting is part of the tradition of the office I hold but is also tied to the historical commitment in my own life to preserve those elements in our society which enable the Republic to flourish. Nothing is as important as your right to know and your responsibility to inform the people. I commit to you tonight that the long tradition of CBS leadership in this area will be strengthened as long as I hold this office. I look forward to standing with you in the years ahead in the good times and the bad times—whatever may come.

Sigma Delta Chi offers one of the few forums in this country where we can engage in a true give and take.

I hope that we can have a fruitful dialogue this evening. Initially, however, I am not sure at which end of the dialogue to place myself. The Company which I serve as President is a major news medium for our nation and you, as leaders of the journalistic fraternity, have a legitimate interest in our stewardship of that responsibility. But CBS, as a news medium, as an entertainment medium and as a corporation of considerable visibility and prominence, is also frequently in the eye of the news, and we at CBS have an equally legitimate interest in your stewardship.

In preparation for this occasion I drew up a list of a few events which have occurred or issues which have arisen in the past year that we might discuss. Each one of these items pertains to CBS in either the capacity of a news medium or a newsmaker. Rather than choose any single one, I would like tonight to touch briefly on these random topics on my list. Perhaps in this way—by stating my views and eliciting your thoughts—a better sense will emerge of the role of CBS and of broadcasting in general in the communications spectrum.

THE VICE PRESIDENCY

Let us begin with Washington's subject of conversation today, the Vice Presidency of the United States. To all that has been said of Mr. Agnew's actions and the crisis they have precipitated in our nation there is little I can add, except that I join the nation in the sadness we all feel. But there is something I feel I must say as the President begins his deliberations on the choice of a successor to Mr. Agnew. Sometime in the coming days or weeks, the Congress of the United States must, in the ancient terminology, advise and consent to Mr. Nixon's selection. Never before in the history of our republic have they been called upon to perform this function. The responsibility with which they do so could go a long way toward healing some of the wounds caused by the circumstances surrounding Mr. Agnew's resignation.

Surely it is appropriate to suggest that it is precisely at moments of this importance that our legislators need most the strength of purpose that is provided when they know an entire electorate follows their every action. Obviously, not every citizen can personally participate in government's decision making. Precisely because citizens cannot, we have both elected representatives and a free press to keep us fully informed of government's actions. Representative government cannot be separated from a free press.

I therefore find it highly incongruous that while a handful of citizens may view the actions of their Congress from a visitor's gallery, and representatives of the press, including representatives of the broadcast press, may watch from a press gallery, the television camera is barred from virtually all otherwise public Congressional functions. I mean no disrespect to reporters from either the broadcast or the print press. But the television camera brings throughout the nation an immediacy to events that can be surpassed only by being present in person. It is my personal belief that the television coverage of the Ervin Committee hearings has contributed more to a public understanding of how our government functions—both properly and improperly—than most of the civics courses ever given.

CAMERAS IN THE CHAMBER

Our cameras may not cover the floor proceedings of the Senate or the House of Representatives—even though broadcasting has been in the Capitol building to provide first-hand reports of addresses to joint sessions of the Congress without disrupting the proceedings in the least.

We have never considered the policies that bar the presence of television cameras to be in the nation's best interest. We think the people are as entitled to be immediately present when their elected officials deliberate as they are entitled to have the detailed reportage and explanation the entire spectrum of news media later provide them. The people could only benefit from a closer look at the actual workings of their Congress, and, I suspect, the workings of the Congress might benefit as well.

That benefit may never be greater than now, when the health of the nation demands that both the executive and legislative branches transcend partisan concerns, and that the public have complete knowledge that both branches are doing so. Vital portions of the process now beginning in the Congress should be made directly available to the American people.

The heightened need for the people to have full confidence in their elected leaders strengthens further our conviction that the people would also benefit from broadcast debates between the Presidential candidates of the major parties in 1976. After the debates between John F. Kennedy and Richard M. Nixon in 1960, one of the participants called the broadcasts "a great service to the American people." The other called them "a public service of the highest order." I leave it to you to decide which quotation was uttered by the winner, and which by the loser. We do not think it a coincidence that more than 64 percent of our nation's eligible voters went to the polls that year, setting a record which still stands. We intend to continue to devote our fullest efforts to obtaining changes in the regulations governing our industry, so that we can broadcast similar debates in 1976. It has rarely been more important for the people to see their candidates in the honest, unstructured, "free-for-all" this format provides. And in 1976, the issue of possibly compromising the office of the President—in delicate matters of international policy, for example, will not be a factor. Whoever the candidates are, the incumbent will not be among them.

INSTANT ANALYSIS

That incumbent, and his former Vice President, have at times been quite critical of the press. They may account for the reaction, last June, when CBS announced a new policy in connection with radio and television coverage of speeches by the President on major, controversial public issues. Part of that policy was the discontinuance of our previous practice of asking news correspondents to analyze the President's message immediately after he finished speaking. Prominent members of the Administration had been vehement in their attacks on this so-called "instant analysis." And so we found ourselves criticized rather heavily in the press for what some observers believed was a response to government pressure.

In the midst of these charges, a few people wondered why a Company that would not yield an inch on "The Selling of the Pentagon" would take this action at the precise time that the Administration was reeling before the barrage of Watergate disclosures. Others wondered why respected correspondents like Mike Wallace, Eric Sevareid and Charles Collingwood would not only go along with this policy change but affirmatively endorse it.

Actually, the policy we announced provides heightened, not lessened, coverage of the issues discussed in Presidential broadcast addresses. Although this policy had been approved in principle by CBS management before I arrived at CBS, it is a policy which I endorse. The most important point it contains, we believe, is a firm commitment on the part of CBS to schedule, within a matter of days after such an address, a broadcast by spokesmen for other points of view. We did not eliminate news analysis of the speeches: we decided to place it within our regularly scheduled news broadcasts or on specially produced programs which permit an interval for reflection after the President speaks.

Presidential broadcasts are not as frequent as they once were, but we have had some opportunity to observe our new policy in practice. Our correspondents have followed the Presidential addresses themselves with concise summaries that, in my judgment, have helped to elucidate the President's points immediately and also in my judgment in many respects have been more informative than the ad hoc analysis of the other networks, and our morning and evening news broadcasts have been forums for carefully prepared, thorough, professional and hard-hitting analysis. Some day we hope to develop a still more effective method of covering a Presidential address. At any rate at CBS, we feel our new policy is an improvement.

NETWORK CENSORSHIP

Let me turn now to the play "Sticks and Bones." This story began when CBS contracted with Joseph Papp and the New York Shakespeare Festival to produce a number of plays for our Television Network. The first was "Much Ado About Nothing." The second was "Sticks and Bones," which, as you may know, is a drama of some of the uglier aspects of human nature, set in the context of a blinded veteran's return home from Vietnam.

"Sticks and Bones" was scheduled for March. If you think back to that month, the front pages of every newspaper in the land were filled with the story of our returning prisoners of war. CBS News accorded the story equally important treatment. As our broadcast date approached, both we and many of our affiliated television stations became seriously concerned about the appropriateness of our timing. We had publicly announced our belief in the importance of the production and had committed ourselves to offer it to the American public. At the same time, we felt a duty not to be needlessly abrasive to the feelings of the millions of people caught up in the homecoming of the prisoners of war. We decided to delay the broadcast until the public emotion had abated.

It was immediately charged that we were really canceling, not postponing, "Sticks and Bones;" that we were doing so because so many stations refused to carry it; and that the stations were refusing to carry it because they feared reprisals from the Administration at license renewal time. Little credence was given to the possibility that CBS itself could be exercising a legitimate editorial function, which is precisely what we were doing.

To some of our critics, our decision to delay "Sticks and Bones" contrasts awkwardly with our determination to broadcast, for a second time, two episodes of Maude in which

Maude considers having an abortion. We gave the programs our usual promotion when they appeared last fall. An average of 37 million people watched each of the episodes.

About 7000 wrote to complain about our handling of the abortion question. Later, as we customarily do with our new evening entertainment programs, we scheduled the two episodes for a second showing in August. We soon received a forceful protest from the United States Catholic Conference. We decided we could not accede to their request that the episodes be canceled, and abruptly found ourselves the object of a full-scale Catholic Conference campaign against our decision.

Our position was simply this: Shows like Maude and M*A*S*H and All in The Family draw their strength and their popularity from their comedic treatment of real, adult contemporary subjects. We demand that they do so with taste, with respect for the sincerity of people's beliefs and without advocacy of a point of view on the subjects they address. Even so, it is inevitable that from time to time our efforts displease some people. This is a price we must pay. To avoid displeasing anyone could be accomplished only by being so bland that, in the end, we would please no one. If we had bowed to the Catholic Conference, where could we have drawn the line with the next group that came to us with equally deep and sincere feelings on another subject? With Maude, we faced a clear-cut decision. The Maude episodes appeared as scheduled. A score of our affiliated stations chose not to carry the episodes.

We chose a course that appeared to us to best fulfill our responsibilities to our audience. I would not expect that everyone would agree with our decisions; but I would hope it is recognized that we have both the right and the duty to make editorial judgments of this sort.

PROGRAMING FOR CHILDREN

I do not mean to imply, though, that we are not responsive to our audience. The public discussion which began several years ago brought us to the realization that we perhaps had devoted less attention to children's programing than we should have. Since then, we have begun, among other things, In the News and What's It All About and a new entertainment and information series featuring Bill Cosby. We also offer a number of cartoon series in a more traditional vein, for which we make no apologies. We have reviewed each of them to be sure they do not unduly stress violence nor indulge in ridiculous heroics or ethnic stereotypes. But we find no merit in the proposals we hear that cartoons be eliminated altogether. We think children are fully as entitled to be entertained as their parents. As long as they enjoy cartoons, there will be a place for cartoons in our schedule.

Similarly, we do not believe children need to be sheltered from the very concept of advertising in the years before they are old enough to stay up and see the same programs their parents do. Our standards for the advertising that appears in our children's programing are clear and strong, and in our enforcement of these standards we strive to eliminate misleading, blatant and high-pressure advertising for children. We are quite confident that no average child has anything to fear from the commercials that we permit in our broadcasts. I agree with William Bernbach, who once said there really is a twelve-year-old mentality in our country—and that almost every six-year-old has one.

Before I leave the entertainment area, I must comment on the unkind words we received when we scheduled the movie "Bonnie and Clyde" the same evening as the Bobby Riggs–Billie Jean King match.

It was, we were told in print, somehow immoral of us to make it all but impossible for people to view all of both attractions.

If Newsweek had a blockbuster cover story coming up, I cannot imagine the editors of Time countering with an intentionally trivial one. We do not think that way either. We put up one of the best attractions we had, and it did what we wanted it to do. More people saw the Riggs-King match than had seen any previous tennis match in history. But more people saw "Bonnie and Clyde" on CBS than had seen it since it was first released. In what some have called the biggest mixed doubles match ever, "Bonnie and Clyde" attracted more viewers than did Billie Jean and Bobby. I don't think the public was cheated by this choice between two major attractions.

We found the question of Billie and Bobby and Bonnie and Clyde mildly amusing. But there was nothing funny about the reports of scandals in the record industry we have heard this year, nor about the charge we have also heard that CBS News has been dragging its heels in this area.

What has been reported about the record industry is a modest story beside the Watergate affair. But I believe the same principles of journalistic integrity must apply to both. The stories written about alleged scandals in the record industry have borrowed against the reserve of trust their publications have built up with the public. At some point those borrowings must be repaid as they were in the reporting of the Watergate matter.

In this connection, I think CBS News' handling of developments in the record industry has been completely professional. At CBS, the News Division maintains a journalistic independence from Corporate headquarters. We in management have responsibility for the setting of standards; but we have never attempted to plant a story, or kill one, or to dictate a point of view. CBS News has covered the record industry events of recent months whenever they have met its criteria of newsworthiness. The industry continues to be an area in which CBS News looks for news stories. If they develop such a story, it will be subjected to the same scrutiny CBS News applies to every other story· if it justifies broadcasting, it will be broadcast. I stand behind Dick Salant, President of CBS News' recent statement that, "Just as we refused to be bullied into killing a story, so we refuse to be bullied into running a non-story."

None of us should forget, despite our occasional tendency to institutionalize ourselves, that CBS is, after all, a business corporation. One of its principal purposes is to earn a profit, and with considerable regularity, it does so. But when I look at the newspapers I admire most in this country, I am struck by the fact that each of them operates with a similar philosophy—if the newspaper insists on highest standards of excellence, then the readers and the advertisers will follow almost as a matter of course. By and large, these newspapers have prospered.

At CBS, we have always tried to operate under the same principle, as a news medium, as an entertainment medium and indeed in everything else we do. A standard of excellence. It is in fact one of the heritages that William S. Paley has built into the Company. And we too have prospered.

A SHIELD LAW FOR NEWSMEN

If there is a common element to the topics I have mentioned this evening, it is that at CBS, we make our decisions independently. This is never an easy task. Broadcasting's audience is all-inclusive, and many groups and people—political and otherwise—consider it imperative to keep subjects important to them off the air, or to get them on the air.

And so we find ourselves constantly devoting vast portions of our time simply to obtaining or preserving the freedom to fulfill our responsibilities.

CBS will continue to urge enactment of newsmen's shield legislation. CBS News Washington Vice President Bill Small, Chairman of the Joint Media Committee of which Sigma Delta Chi is a prominent constituent, has been working tirelessly for a federal shield law to assure the inviolability of journalists' sources and notes and to guard newsmen themselves against the "chilling effect" of subpoenas and compulsory revelation of unpublished information. We are willing to go along with the qualifications proposed by Congressmen Kastenmeier and Cohen, if this is the only way to get such legislation passed.

Also in this context, we are regularly asked why we have not yet taken a position on the recently established National Press Council, especially since, as an individual, Dick Salant participated in the Twentieth Century Fund Task Force Report recommendation that such a council be established. Since that recommendation was made, the major news media of the country have been seriously divided on the Council's desirability. I have to tell you that the jury is still out at CBS as well. We share the concerns that led to the creation of the Council. But, as I said a moment ago, we believe that we must be particularly cautious in regard to any outside agency, no matter how distinguished and voluntary, whose function might involve the power to influence the way in which we select, gather and prepare the news we broadcast. We do not yet know whether cooperation with the National Press Council can be consistent without editorial responsibility. But if the Council is to be of any value, it will be an ongoing venture and not one that is much affected by the haste with which we make our decision.

BIAS IN NEWSCASTING

There are two other questions that, if I did not mention them, someone out there certainly would. The oldest and most familiar is "What are you going to do about the liberal bias in your news broadcasts?" The other is "What are you going to do about the reactionary bias in your news broadcasts?" We hear both these questions constantly, and I am sure many of you hear them addressed to your own publications fully as often. As broadcasters, we are, if anything, even more sensitive to the charge, since in our case the journalistic principles of fairness are also a legal obligation.

We think many of the accusations stem from a misunderstanding of the journalist's role. It is not uncommon for partisan observers to mistake aggressive, sharp reporting for bias or hostility. A good reporter often plays devil's advocate with a hard line of questioning; a good reporter looks behind what he is told to the background and context against which it was spoken. This is professionalism, not prejudice.

Last year, TV Guide commissioned the Opinion Research Corporation to conduct three nationwide surveys of television's political coverage. And among those who perceived bias, there was an almost precisely 50–50 split between those who saw favoritism toward right-wing causes and those who saw favoritism toward left-wing causes.

Of course, we have a problem of definition here. I have no way of knowing how those surveys would have categorized the CBS shareholder who recently wrote us a furious protest against the extreme leftist bias of one of our commentators. The man he objected to was Jeffrey St. John!

Nevertheless, we maintain that if one reviews the output and performance of our broadcast news organization, the overall finding will be that it presents fair reporting to the public.

WATER RESOURCES DEVELOPMENT ACT OF 1973 AND RIVER BASIN MONETARY AUTHORIZATION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 15 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, I regret that prior commitments necessitate my absence from Washington today. I had accepted an invitation to accompany Secretary Butz to Arkansas on October 12, as well as speaking appearances before the annual conventions of the Savings and Loan League, Arkansas Homebuilders Association, and the Centennial Commemoration of Masonic Lodge No. 314. However, I appreciate the opportunity to submit for the record my statement in support of the Water Resources Development Act and River Basin Monetary Authorization Act of 1973. As a member of the Water Resources Subcommittee, I participated in 4 weeks of hearings on this bill. In view of the veto last year, after adjournment of the 92d Congress, of the omnibus rivers and harbors and flood control legislation, action by the House today in passing this bill is vital to the national interest.

Our Nation's waterways are critical to our transportation system, for our drinking water, food, and energy. We are now facing an increasingly critical water supply situation. Our resources, while abundant, are not uniformly distributed. We have a destructive excess during times of flooding and devastating shortages in times of drought. Our growing industrial and agricultural economy calls for increased utilization of waterways in moving goods and services throughout the Nation, and our current energy crisis calls for continued Federal investment in hydroelectric power.

At the same time, we must continue our efforts toward both salvaging and safeguarding water quality and equate progress with environmental balance.

H.R. 10203 is necessary for meeting present and future water resources developmental needs. It includes four new and significant basic provisions in line with our need for progress in flood control and water resource conservation. One of these new steps will insure that, in providing for adverse impact of projects on fish and wildlife, we go beyond mitigation and provide funding for enhancement as well. This new approach is applicable to all projects.

Second, the bill takes into account the nonstructural alternatives to preventing floods. Although, in some cases, building a dam may be the only workable solution we know that is environmentally destructive. Section 72 says that we must formulate the most economically, socially, and environmentally acceptable means for reducing or preventing flooding.

The bill also provides an important new provision for deauthorization which recognizes that we should evaluate certain projects which have been authorized for a long time. Because of altered conditions in the meantime, many may not be justified today. This approach allows current environmental thinking to be applied to long-standing authorizations.

H.R. 10203 includes another new direction which will mean congressional approval based upon calculation rather than estimates. Instead of giving full congressional approval in the initial authorizations, we can make more informed decisions based on a review of the actual design and the various impacts of the project as it would actually be built. New project authorizations in section 1 of the bill are authorizations only for the phase 1 design memorandum stage of advanced engineering and design.

One specific provision of this bill, section 16, would rectify a long-standing injustice and provide a cure for a situation which is seriously handicapping the economic development of north central Arkansas. It would authorize construction of a highway bridge across the Norfolk Reservoir, to replace the highway submerged over three decades ago. The State of Arkansas was never adequately compensated for loss of the artery and, for many reasons—including World War II—the necessary bridge over the reservoir has never been constructed.

Conditions of transportation across Lake Norfolk are now acute, with serious traffic tie-ups at the point of outdated ferry service. Public transportation in the area is limited to highway forms. The lake area has tremendous recreational potential, and this has been retarded by the primitive transportation means now in force. The area in question is one where tourism could provide a strong economic stimulus, but it has stagnated for lack of a highway bridge.

When the Norfolk project was constructed in the early 1940's, the State of Arkansas agreed to accept the payment of $1,342,000 from the United States as compensation for inundation of State Highway 101. This amount was inadequate even at that time. Section 16 provides for a replacement bridge, with the condition that Arkansas repay to the United States the compensation received in 1943, plus interest from that date. The Federal Government would fund the difference between the amount previously received by the State and the full cost of the bridge, now estimated at $11.3 million. After construction, the State would own, operate toll free and maintain the bridge and approach facilities.

In my judgment, there is a critical and growing need for the Federal government to provide equitable compensation to the loss suffered so long ago by the State of Arkansas.

CONCERN OF KHMER REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am concerned about the Khmer Republic, a small country situated between the 10th and 15th parallels in the Southwest of the Indochinese Peninsula. This country has been the victim of North Vietnamese intrusions for many years, and is still suffering the atrocities perpetrated by North Vietnamese occupation.

In the January 27, 1973, Paris Peace Agreements, a clause was provided in article 20 recognizing the "national fundamental rights of the Cambodian and Laotian peoples to independence, sovereignty, unity, and territorial integrity in these countries." Section B of this article went on to state:

> Foreign countries will cease military activity in Cambodia and Laos and will withdraw all troops, military advisors, and military personnel; all armaments, munitions, and war materials; and will abstain from reintroducing them.

The article concluded with a provision stating that—

> The internal affairs of Cambodia and Laos will be settled by the people of each of these countries without foreign interference.

Mr. Speaker, no provision of the peace agreement has been so blantantly ignored or so openly violated. At the present time in this small land of less than 7.5 million people, there are over 45,000 North Vietnamese troops. Between January 29 and February 10, there were over 230 incidents of armed attacks against the people of Khmer by the North Vietnamese resulting in over 237 fatalities.

Despite repeated attempts by the leaders of Khmer to reach a peace settlement with the North Vietnamese, the destruction and dying continues. These occupying troops are in direct violation of the 1954 Geneva Agreements calling for the withdrawal of all foreign forces and prohibiting the use of Cambodia as a stage for attack on a third country. They also are in direct violation of the January 27, 1973, Paris Peace Agreements, article 20, sections A through D. Finally, they are in direct conflict with the North Vietnamese's own official statement of 1967, calling for the independence, sovereignty, territorial integrity, and neutrality of the Cambodian areas.

Mr. Speaker, the Khmer State cooperated with the American troops and the South Vietnamese troops during the Vietnam war to rid the Cambodian area of Vietcong and North Vietnamese. As a result, the main part of the Vietcong and North Vietnamese sanctuaries on Khmer soil were cleared; major Communist Vietnamese stockpiles of arms, ammunitions, medical and food supplies were seized; the port of Konpong Som, formerly known as Sihanoukville, was closed to Communist vessels delivering military equipment, arms, and ammunitions to the Vietcong and the North Vietnamese troops; and the Khmers kept elements of six Vietcong and North Vietnamese divisions occupied. With the Communist sanctuaries cleared, the sea port close, and the ammunitions seized, the 1972 North Vietnamese spring offensive was much less costly to the United States.

Although there is no formal treaty obligation between the United States and the Khmer people, I feel we owe them whatever we can do to alleviate their present situation. They are not asking for military support, or supplies and ammunition. They are only asking for the American Government to publicly denounce the presence of the Vietcong and North Vietnamese troops on Khmer soil.

This seems like a small price to repay a nation that was so instrumental in saving American lives and enhancing our chances for a early and safe exit from Vietnam.

I ask this Congress and this Government to publicly denounce the presence of Vietcong and North Vietnamese on Khmer soil, as I do, and to request that they withdraw their troops in accord with the Paris Peace Agreements.

PRESIDENT INCREASES ENERGY RESEARCH AND DEVELOPMENT EFFORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER. Mr. Speaker, this Nation's demand for energy is rapidly increasing, and will continue for many years. However, our energy supply is not keeping pace with demand. The production of two of our primary energy fuels, oil and natural gas, is not expected to increase fast enough, despite new developments on the North Slope of Alaska, and increased reliance on imports. The possibility of "oil warfare" against the United States by the Arab States could cut off what was hoped to be a major source of future oil imports. A third important energy source, hydroelectric power, upon which Washington State and Oregon depend, fluctuates in availability with the weather, and cannot always be counted on to meet energy demands.

America, in anticipation of future energy demands, must begin now to look for new energy fuel resources. One area which has great potential is that of coal gasification. Unlike oil and natural gas, the United States has nearly unlimited coal reserves. Coal can be converted to gas, a clean burning and efficient fuel. The process is difficult, and only one method of conversion—the Lurgi method—is now commercially feasible. New and more economical processes of conversion must be found. Such a project, at this time, would be a costly one, and private industry needs government help in funding research and development.

I was extremely pleased to learn that the President yesterday requested an additional $115 million for energy research and development, bringing to around $1 billion for this fiscal year, the Federal Government commitment to energy research and development. This additional money will be used to advance technology in coal gasification and liquefication, and to explore new approaches to energy conservation. Several weeks ago, I wrote the President urging this course of action and believe the additional appropriation will be supported and approved by the Congress.

The President's decision is both wise and timely. New research and development can go a long way in enabling private industry to find feasible energy alternatives—before the Nation's energy posture deteriorated any further.

Mr. Speaker, I wish to commend the President for his initiative in committing this Nation to an accelerated program to solve our long-term fuel needs and make the United States self-sufficient with regard to energy supplies.

WAR IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 5 minutes.

Mr. SYMMS. Mr. Speaker, I am concerned that recent actions and statements by Congressmen and Senators are "fanning the flames of war in the Middle East."

The United States has no more business interfering in Middle Eastern policy than we had entering Vietnamese politics 12 years ago. It is interesting to note that many former Vietnam war doves have now jumped to their feet to demand U.S. aid to Israel. I certainly fail to understand why they felt it was OK to leave the South Vietnamese to be slaughtered by Communists, but suddenly feel that Israel cannot fight its own battles without American assistance.

We need to show some serious concern for future U.S. relations with the Arab nations. Before we turn our back on these countries, we had better remember that they have been friendly in the past, and are currently selling us about 8½ million barrels of crude oil a day. This is more than one-third of our total daily use.

If we are cut off from those supplies, the resulting shortage of fuels will be far more serious than most people realize.

This week, the other body passed legislation making it difficult, if not impossible, to mine the Western coal fields efficiently. Yet, within 24 hours, some of these same people are pushing for a strong U.S. position in Middle East affairs that would undoubtedly dissolve our oil trade agreements with the Arabs. I wonder if some of them really care if they cause a critical fuel shortage.

I am sure most Americans have watched the emergence of Israel as a nation with great sympathy, but we should remember that the Arabs have been good friends with America over these same years.

It was Egypt that threw the Communists out of its government, and Saudi Arabia was our ally in opposing entrance of Red China into the United Nations. These Arab nations have been friendly to American people and American business in the past, and we should make every effort to preserve good relations with them.

It is extremely important for the United States to remain strictly neutral in the conflict. At this time none of the involved nations in the Middle East have any desire to be enemies of the United States.

Many of the people who spoke out against Vietnam for so many years were the same individuals who initiated U.S. involvement in Southeast Asia by passing the Gulf of Tonkin resolution. Now these same men are about to fall into the same rhetorical trap. It's time we have a few more men operating with foresight, rather than operating with hindsight.

This is a private matter between the nations of the Middle East. The United States cannot continue to be the international policemen and guardian of political standards. Those Senators and Congressmen who spoke out so stridently against Vietnam and are now ready to oppose Egypt are hypocrites. Either we learn to mind our own business finally, or the American taxpayer must accustom himself to the fact that his hard-earned money and his sons will be wasted by putting out brush fires across the face of the Earth.

CONGRESS MUST REPEAL PHASE IV: A REEXAMINATION OF WAGE AND PRICE CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP), is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, on August 15, the Nation passed the second anniversary of the original 1971 imposition of wage and price controls under the authority of the Economic Stabilization Act, as amended and as extended.

It is appropriate, therefore, to pause and to examine the impact and effects of the various wage and price control policies and regulations during the past 2 years.

The rationale behind the enactment of the Economic Stabilization Act was that by abandoning the traditional free market consumer control over wages and prices and turning this function over to the Federal Government, we would be able to better protect the consumer from the rising costs of living. As has often been the case over the past 40 years, the imposition of these Government regulations was justified as a temporary measure to allow the free enterprise system to function more effectively.

I voted in the past to give the President the authority to impose wage and price controls, but that was when we were operating under a virtual wartime economy. In April of this year, I announced to this body that I would vote against the then-pending extension of the act. I did so vote, believing that wage and price controls were not the most effective answer to controlling inflation during peacetime and believing that the controls which the Congress ought to impose related more to Federal spending and to the Federal Reserve Board's ability to expand the dollar supply beyond a 4-percent increase per year.

THE PSYCHOLOGY OF GOVERNMENT REGULATION OF THE ECONOMY

Mr. Speaker, how did the Nation and its economic system drift so decisively toward state control of wages and prices?

There is a great attack underway on the free enterprise system and the market economy upon which it is based. The noted economist Henry Hazlitt recently observed:

> Nine-tenths of what is written today on economic questions is either an implied or explicit attack on capitalism. . . . The attacks keep coming, keep multiplying.

Hazlitt's analysis holds that the attack upon the free enterprise system stems from at least these main impulses, often blending and overlapping:

Impatience for a cure.

Envy.

The propensity to think only of the intended or immediate results of any proposed government intervention, overlooking the secondary and long-term results which always arise.

A propensity to compare any actual state of affairs and its inevitable defects with some hypothetical ideal.

It must be stressed that a denominator of all four impulses is emotion—not reason, not logic. Yet reason and logic form the bases of good law. Even Jean Jacques Rousseau, in his classic work, Du Contrat Social of 1762, observed:

Good laws lead to the making of better ones; bad ones bring about worse.

Each of these impulses should be examined more closely.

In an age where modern communications can bring any economic problem into the living room on the evening news, it is understandable why some political leaders react quickly to criticism of their economic policies. Instead of a careful review of the facts and premises for action, instead of careful deliberations among parties which will be affected, instead of experimentation on a trial basis, the proclivity is to rush headlong into an announcement of a new decision, a new direction. The rush is for an answer, not necessarily the answer. The hope is that yet one more decision might be the one which works at last.

The process is more regulation, instead of deregulation. The premise is Government action, not free market principles of supply and demand. Patience is the hallmark of wisdom. It is time for it to be manifested among our Nation's political leadership.

Envy is a human trait, borne out of the worthy aspiration to have that which one does not now have. Its sinister aspect lies in its use of law to take, under penalty of process, from one man to bestow upon another. When Government takes from one man to bestow upon another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both. Yet envy is the genesis of every program to "redistribute the wealth," "to take from the haves to give to the have-nots," "to share the wealth," or whatever new phrase one might cloak the concept within. In this manner, the processes of State action are brought to bear to take from one man the fruit of his labor to give to another that which he could not bear himself. It is a denial of the economic freedom of all men which erodes their political freedom.

Much can be said of the propensity of Government action to fail to take into account the full ramifications of its actions, but it has been recently best summarized by Alan Greenspan, president of Townsend Greenspan & Co., in his address, "The Challenge to Our System." Greenspan concludes that—

Our Nation has come—[t]o the implicit belief that it is possible to tamper indiscriminately with our economic system, making patchwork adjustments here, and imposing controls there, without affecting our rising productivity and standard of living. I believe that we have reached the point where we can no longer afford this view.

Our difficulties stem from the tendency these days to identify the source of our problems, real or imagined, with the functions of our system. Some government control or government program is then immediately advocated to come to grips with the supposed problem.

On the other hand, if there is anything that economics teaches, it is that symptom-fighting solutions are inherently self-defeating in a complex, inter-related economic structure. There are secondary and tertiary effects from *all* government actions. Problems do not disappear by fiat, they merely become displaced.

There is no better way to undermine any institution than to set a standard for it which by its nature or the current state of the art is unachievable.

Yet, in no small measure because of the anticapitalism mood prevailing in some quarters of our Nation, when maladjustments within the economy are perceived, the proposed answer is more regulation, more control. Yet, the people themselves—the intended beneficiaries of Government wages and price controls—do not want them. In a recent Harris survey, published in the Washington Post during the week the price ceilings on beef were lifted, a decisive mood among the people was reflected:

By a lopsided 68 to 10 percent most Americans are convinced that the Nixon administration's Phase IV economic controls program will not be successful.

[M]oreover, people have changed their previous position [which was] in favor of across-the-board price freezes.

The prevailing view on the beef problem, supported by a thumping 64–22 percent, is that "all price controls on beef should be dropped so that farmers will produce more beef and *that* will bring the price of beef down." Thus, the American people are opting to try the free market approach. . . .

How then does a free market system better handle unforeseen secondary and long-term effects? In a free market economy, maladjustments would be quickly remedied by the flow of supply and demand as impacted upon by the purchasing power and patterns of the consumers and by the alertness of the producers in an effort to maximize their own economic interests. Contrast this to Government action, when, as a result of government policy, unforeseen side effects are locked in by law or by regulation, requiring formal hearings and procedures to amend, and even then by people who are not accustomed to acute, quick judgment on matters impacting upon economic interests. The bureaucratic responses to problems are as slow as entrepreneurs, responses are fact; the former is almost impossible to adjust in the interest of the consumer, the latter is easy to adjust.

Lastly, there is the tendency to compare whatever is with some imagined, utopian paradise that might be—seemingly always just beyond our grasp, but in reality never within it. No matter what prodigious and accelerative advances that a dominantly private enterprise economy has made in the last two centuries, particularly within the last few decades, these advances can always be shown, by antagonists of the free enterprise system, to have fallen short of some imaginable state of affairs that might be even better. The fact that real wages have more than doubled in the last generation is subsumed to the question, "Why haven't they tripled?" The fact that the number of poor fell from 20 percent in 1962 to 13 percent in 1970 is subsumed to the query, "Why didn't it go down to 10 percent"? Why these queries? On the one hand, because there are those who would downgrade the market economy. On the other hand, and the one in which I happen to believe, because the very success of the free enterprise system and its capacity to resolve problems and produce goods and services concomitantly have encouraged constantly rising expectations and demands—expectations and demands which keep racing ahead of what even the best imaginable system can achieve. There is nothing wrong with this, but what could be made to be wrong with it is when the erroneous assertion is made that another economic system could have done better. Such an assertion can never be proved by fact. The market economy is the single economic system compatible with the requirements of personal freedom and constitutional government, and is also the most productive supplier of human needs. There is no better system.

THE CAUSES OF INFLATION

Mr. Speaker, God did not make inflation; politicians did.

Inasmuch as wage and price controls were instituted to curtail inflation, it is appropriate to examine in detail the nature and causes of inflation. The causes of inflation are severalfold and are interrelated.

Federal spending has caused deficits in the Federal budget year after year. Not only does the rate of Federal spending and the manner in which funds are spent contribute to inflation, but the necessity of paying for these deficits, of honoring the debt commitments of the Federal Government, has engendered the Federal Reserve Board to expand the dollar supply—by simply printing additional money without increasing the gold reserves which support that money—beyond the reasonable 4-percent increase per annum.

Soaring prices for which price controls are intended are the results, not the causes, of inflation. When Government spends recklessly, when it runs chronic deficits, when it expands credit, when it prints more money, prices are compelled to increase. When the rate of these factors increases, the rate of price increases soars. The rising of nearly all prices is the result of the monetary policies of the Government itself.

The notion must be disspelled that prices soar because businessmen increase their profit margins. That is not true because to do so would backfire in the market place, thereby producing less profit levels. In a free market the demand and supply of each of thousands of different commodities and services are changing every day. When an increase in the money supply does not falsify the result, the goods, and services in most demand rise in price while those in least demand fall. Thus, the profit margin in supplying the goods in greater demand increases while that in supplying the goods in less demand falls. The thousands of different goods and services

produced, therefore, tend constantly to be produced in the changing proportions in which they are most wanted. Government policy and regulation can never duplicate the simplicity and effectiveness of such an economic pattern.

Prices are indispensable signals to the producers and to the consumers alike. Prices tell the truth about supply and demand. Voluntary restraints, wage-price controls, Government guidelines, Government regulation of rates—all combine to falsify the signals, to distort the pictures being attempted to be perceived by the producers and consumers, and disorganize the balance of production.

Inflation in prices and the devaluation of the dollar. Such controls tend also to distort the moral dimensions of personal conduct. The economist, Leland B. Yeager, in his 1972 overview, entitled "Monetary Policy and Economic Performance: Views Before and After the Freeze," notes clearly this moral dimension:

Controls reward invention of increasingly ingenious evasions as time goes on; and in this respect, the most conscientious and public-spirited people suffer to the advantage of evaders. . . . [C]ontrols tend to waste the scarce and precious spirit of voluntary decency. Far from giving the American people healthy exercise for their moral muscles, such controls tend to undermine morality by breeding confusion about the supposed wickedness of seeking profits or of adjusting particular wages or prices upwards. Actually, such actions [moral judgments] are essential in a market economy.

Government action has contributed mightily to the erosion of the purchasing power of the dollar. If the economic boom of the sixties was obtained by simply putting more money into circulation—by printing more—it temporarily made some people richer only at the cost of making other people, in real earning power, poorer. When the supply of money is increased, the purchasing power of each unit must correspondingly fall. In the long run, everyone's economic status is eroded.

Where can all of this lead? It can lead to disastrous consequences for the Nation. We are not here talking about a minor problem which can be easily corrected. We are talking about the necessity of backtracking on a decided direction of government within the past 2 years—to regulate specific wages and prices virtually across the whole board of economic action, and of backtracking on nearly half a century of bemuddled and befuddled economic theory. We have but to look to the example of Chile to see clearly what the consequences of runaway inflation—produced by government policy—can be. When Dr. Salvadore Allende came to power, he increased sharply the wages of workers in nationalized industries. He did not do this by increasing production and profit margins; he did it simply by printing more money. The ramped inflation which resulted soon became the highest inflation rate in the world. This brought about strikes, demonstrations, riots; collectively, these brought down the government. I am not here to assert today that "Caesar had his Brutus, Charles his Cromwell"—but I am here to assert that our President may profit by the example of Allende and his economic policies. Our economic policies are not that dissimilar of late.

WAGE AND PRICE CONTROLS HAVE FAILED

Mr. Speaker, against this background of history, fact and cold evidence, the Government reacted to the spiraling rates of inflation, by producing another series of inequities and distortions. We know those as wage and price controls.

The record of price controls goes back as far as recorded history. They were imposed by the Pharaohs of ancient Egypt. They were decreed by Hammurabi, King of Babylon in the 18th century B.C. They were tried in ancient Athens.

In 301 A.D., the Roman Emperor Diocletian issued his famous edict fixing prices for nearly 800 different items, and punishing violation with death. Out of fear, nothing was offered for sale and the scarcity grew far worse. After a dozen years and many executions, the law was repealed. Writing in the Wall Street Journal of Tuesday, October 2, William H. Peterson documents the case:

THE SAD SAGA OF DIOCLETIAN

(By William H. Peterson)

Many phases and freezes ago, long before Santayana observed that those who don't know history will be condemned to repeat it, long before Ricardo (and much more recently Milton Friedman) propounded the quantity theory of money—namely, that as the volume of money expands faster than production, prices tend to rise—Rome fought inflation. Not wisely but hard. And long. Finally, in 301 A.D. came the famous price-fixing Edict of Diocletian.

The background of the Edict points to the recurrent patterns of history. In 357 B.C. Rome set the maximum interest rate at 8⅓%. In 342 B.C. interest was abolished to favor debtors. In 90–86 B.C. the currency was devalued and debts were scaled down 75%. In 63–61 B.C. loans were called and there was a flight of gold, which was finally stopped by an embargo on gold exports. In 49–44 B.C. Julius Caesar cut the relief rolls from 320,000 to 150,000 by a means test. In 2 B.C. Augustus cut the relief rolls (which had grown again) from 320,000 to 200,000. In 91 A.D. Domitian created the equivalent of a government "soil bank" which wiped out half of the provincial vineyards to check overproduction of wine. In 274 A.D. Aurelian made the right to relief hereditary, with bread substituted for wheat and with free pork, olive oil and salt added.

This pattern of the welfare-interventionist state is perhaps better observed in the deterioration of the purchasing power of the Roman coin of denomination, the denarius. For although good price records and price indexes are not available, we know Rome underwent persistent and cruel inflation and did so through the rapid expansion of the money supply (our old friend, the quantity theory of money.) Pre-Gutenberg and the printing press, the money supply mainly was ballooned via debasement, through alloying base metal into precious. The following table traces the deterioration of the denarius after Augustus whose coin, save for a hardening agent, was practically pure silver:

Issuer:	Percent silver
Nero, 54 A.D.	94
Vitellius, 68 A.D.	81
Domitian, 81 A.D.	92
Trajan, 98 A.D.	93
Hadrian, 117 A.D.	87
Antoninus Pieu, 138 A.D.	75
Marcus Aurelius, 161 A.D.	68
Septimius Severus, 193 A.D.	50
Elagabalus, 218 A.D.	43
Alexander Severus, 222 A..D.	35
Gordian, 238 A.D.	28
Philip, 244 A.D.	0.5
Claudius Victorinus, 268 A.D.	0.02

Into this inflationary, welfare-interventionist milieu came Emperor Diocletian, determined to stop inflation by law, by his Edict of 301 A.D. His Edict complained of such "unprincipled greed" that prices of foodstuffs had recently mounted "fourfold and eightfold."

The preamble continued: "For who is so insensitive and so devoid of human feeling that he cannot know, or rather has not perceived, that in the commerce carried on in the markets or involved in the daily life of cities, immoderate prices are so widespread that the uncurbed passion for gain is lessened neither by abundant supplies nor by fruitful years, so that without a doubt men who are busied in these affairs constantly plan to actually control the very winds and weather."

The Edict "commanded cheapness," covered some 800 different goods and recognized the cost-push side of inflation—spelling out wage limits for teachers, writers, lawyers, doctors, bricklayers, tailors, virtually every calling—but, of course, forgot all about the demand-pull side, stemming from the continuing debasement of the currency. The teeth in the law were very sharp. The penalty for an offense was death. The complexity of the Edict can be seen in the hundreds of wage and price schedules:

Products:	No. of schedules
Foods	222
Hides and leather	87
Timber and wood products	94
Textiles and clothing	385
Wicker and grass products	32
Cosmetics, ointments, incense	53
Precious metals	17

There are 76 different wage schedules, broken down into skilled and unskilled categories. In the silk-weaving and embroidery trades there were 13 different schedules; wool weavers were broken down into six wage categories and fullers had 26 different authorized pay scales.

The Edict, of course, failed. In 314 A.D. Lactantius, a contemporary historian, wrote of Diocletian and his grand plan as follows:

"After the many oppressions which he put in practice had brought a general dearth upon the empire, he then set himself to regulate the prices of all vendible things. There was much blood shed upon very slight and trifling accounts; and the people brought provisions no more to markets, since they could not get a reasonable price for them; and this increased the dearth so much that at that at last after many had died by it, the law itself was laid aside."

In Britain, Henry III tried to regulate the price of wheat and bread. Antwerp enacted price-fixing in 1585, a measure which some historians believe brought about its downfall. Price-fixing laws enforced by the guillotine were also imposed during the French Revolution, though the soaring prices were caused by the revolutionary government's own policy in issuing enormous amounts of paper currency.

Yet from all of this dismal history—of not one wage and price control scheme genuinely working during a peacetime economy—the governments of today and their leaders have learned absolutely nothing. Is it any wonder that Santayana observed that those who do not learn from history are doomed to repeat it?

Our Government continues to overissue paper money to stimulate employment and economic growth, and then vainly tries to prevent the inevitable soaring prices, ordering everybody to hold down prices. The Government is, to paraphrase the 16th century English

proverbist, John Heywood, trying to have its cake and eat it too—for political advantages perceived to be gained?

The sad facts, though predictable when wage and price controls were imposed, combine to show clearly that wage and price controls have been a terrible failure. I cite these examples:

When wage-price controls were announced on August 15, 1971, the Consumer Price Index, measured in annual percentage rate terms, was 3.0. In the 6-months period ending in July, 1973, the index was rising at a seasonally adjusted annual rate of 7.4.

The money supply expanded between the fourth quarters of 1971 and 1972 at a rate of 7.4 percent, nearly double the generally accepted level. All signs point toward a money growth rate between the fourth quarters of 1972 and 1973, of as much as 8.0 percent. Government itself is adding fuel to the inflation it is trying to control.

On August 30 the Department of Agriculture reported that the average costs of all raw farm products had soared by an all-time record of 20 percent for the 1-month period ending August 15. A decline in September did not start to even make a dent in the long-range projections on farm product costs on the charts.

Most economists are today predicting a 5 percent or more inflation rate for the next year. Even the administration has abandoned its own predictions for a 1973 inflation rate of 3 percent.

In June and July 1971, immediately preceding the wage-price impositions, wholesale prices rose at an annual rate of 6.5 percent; in February and March 1973, they rose at a rate of 13.5 percent.

By the middle of this year, wholesale prices were increasing at a rate of inflation, per year, of nearly 23 percent.

The newspapers are filled daily with articles and editorials giving additional support to the contention that wage-price controls are simply not working. The conclusions are now coming forth. In an article entitled "Controls, Inevitable—and Perilous," Dr. Paul McCracken, Edmund Ezra Day university professor of business administration at the University of Michigan and former Chairman of the President's Council of Economic Advisers, states:

> The results are . . . apt to be disappointing and the unintended side effects will probably be large and perverse. . . . It is impossible to cite a single sustained success in the postwar quarter of a century with a price-wage control program.

Perhaps the most distressing analysis appeared in Newsweek, August 6, by Milton Friedman, former president of the prestigious American Economics Association, in an article entitled, "A Frightening Parallel." Dr. Friedman contrasts the consumer and wholesale price increases between 1949 and 1951, the period of the Korean conflict, with the period 1972–1974—which, of necessity, must include a prediction. The parallels are striking:

Consumer prices *	
January 1949	3.0
January 1950	4.0
January 1972	3.0
January 1973	4.0

Wholesale prices *	
January 1949	6.0
January 1972	3.8
January 1950	9.0
January 1973	9.0
January 1950	22.0
July 1973	21.0

* Rate of inflation, percent per year.

What these figures do not show, based upon these parallels, is how bad it may very well become, if the pattern continues as it did during the 1949–51 period. During that period, consumer prices soared to an annualized rate of inflation of 20 percent in the spring of 1951; wholesale prices rose to an annualized rate of 36 percent in March 1951.

At this point in the RECORD, I wish to include excerpts from Dr. Friedman's article:

A FRIGHTENING PARALLEL

(By Milton Friedman)

The current inflation has followed almost precisely the same time path as the Korean War inflation. If this parallelism were to continue, inflation would peak in early 1974 at a rate of something like 20 per cent per year for consumer prices, 36 per cent for wholesale prices. * * * *

However, the parallelism to date does not mean that the parallelism will continue. After all, June 1950 was only the start of the Korean War. The worst of the Korean War inflation was yet to come. June 1973, we trust, faces no similar prospect, no equally pressing demand on our fiscal and physical resources, no corresponding pressure to create money.

MADE IN WASHINGTON

The price explosions depicted on the chart are not acts of God; they are the consequences of human action. The men then in Washington produced the Korean War inflation under the stimulus of war. The men now in Washington produced the present inflation under the stimulus of the urgent desire of President Nixon to be re-elected, of Congress to pass out goodies to constituents, of the Federal Reserve Board to avoid the wrath of Congressman Patman. The same men could adopt policies that would end the parallelism—though at the moment, there are few signs that they will do so. Three features of the chart are more significant than the parallelism of the curves:

First, the many changes that have occurred in the U.S. economy from 1949 to 1972 appear not to have altered the speed with which the economy responds to inflationary pressures.

Second, the Korean War inflation retreated as fast as it advanced. In February 1951, consumer prices were rising at a rate of 14 per cent per year, wholesale prices, 24 per cent per year; six months later, both rates of inflation were zero. Nothing excludes a similar development today. But also, nothing guarantees it.

Third—and most important—in order to make the two curves coincide, one must treat a rate of inflation today of 6 per cent in consumer prices and of 12 per cent in wholesale prices as equivalent to a rate of inflation in 1949–51 of zero. The "normal" or "natural" rate of inflation has clearly risen sharply over the past two decades, though these numbers may not be reliable measures of the amount of rise.

During the recession of 1954, I gave a talk in Sweden under the title "Why the American Economy Is Depression-Proof." In that talk, I said: "The prospect is . . . a period of recurrent bouts of inflation produced by overreaction to the temporary recessions that punctuate the period."

That has proved a reasonably accurate prognosis—though candor compels me to confess that the process has developed more slowly than I anticipated. The overreaction to each recession raised the level of inflation considered tolerable. During the mild recession of 1948, consumer prices actually fell at the rate of 2.3 per cent per year. During the mild recession of 1970, consumer prices rose at the rate of 5.6 per cent per year. The base around which we are operating has clearly risen substantially over the past two decades. I fear it has much farther to go.

This shift in price behavior was produced by a corresponding shift in monetary policy, encouraged by a shift in fiscal policy. In the five years 1948–1953, the average rate of monetary growth was 2.7 per cent per year for M_1 (currency plus demand deposits), 2.9 per cent for M_2 (M_1 plus time deposits at commercial banks other than the large CD's). In the five years 1967–72, the corresponding rates were more than twice as high, 6.3 per cent for M_1, 8.4 per cent for M_2. In the past year, the corresponding rates have been even higher—7.3 per cent for M_1, 9.0 for M_2.

In the earlier five years, the Federal budget averaged a *surplus* of roughly 1 per cent of national income; in the later five years, and also in the past year, a *deficit* of 2 per cent.

Little wonder that prices have risen much more rapidly in recent years.

WHAT PRICE EXPERIENCE?

I concluded my 1954 lecture by stating: "Economists have known—at least intermittently—for over a century and a half two propositions: first, that by printing enough money you can produce any desired degree of activity; second, that the ultimate result is destruction of the currency. The American public has learned the first proposition. It once knew, but has now forgotten, the second. Only experience is likely to teach it again."

We are paying a high price to acquire that experience.

In the Wall Street Journal editorial of October 10, 1973, entitled "Retrospective on Controls," an overview of the failures of price controls is presented which, in my opinion, summarizes accurately the failure of this program. At this point in the RECORD, I wish to include this article in its entirety:

RETROSPECTIVE ON CONTROLS

We suppose that anyone who still believes price controls can stop inflation is beyond help, but it won't hurt to glance at the accompanying chart for a visual confirmation of our experience. Since the imposition of controls, inflation has turned not better but worse.

The six-month moving average of the consumer price index turned down in early 1970, and continued down until controls were imposed in August 1971. It turned back up in mid-1972, in the midst of "tough" Phase 2 controls. Since then it has ascended to heights far above those reached in any recent non-controls atmosphere. Little wonder that the U.S. Chamber of Commerce and the National Association of Manufacturers have—somewhat belatedly it seems to us—joined the AFL–CIO in calling for prompt and complete termination of controls.

Purely on the basis of the record, one would have to conclude that far from extinguishing inflation, price controls fuel it. That conclusion is overly simple, of course, because since mid-1972 many other powerful inflationary pressures have been at work. The money supply has been expanding rapidly, 7.4% between the fourth quarters of 1971 and 1972. The government budget has been in deficit, and economic growth has been straining the economy's capacity.

Even at that, though, the inflation has been more rapid than any usual economic view would predict. In trying to explain it, economists are looking toward international economic developments. Perhaps the impact

of the dollar's devaluation was more inflationary than most theories predict. Or perhaps as First National City Bank and Argus Research Corp. argue, attempts by European central banks to maintain fixed exchange rates by buying dollars swelled European banking reserves and money supplies, leading to a world-wide inflation that spills back into the U.S. economy.

Price controls presumably were intended to stop the increase in prices in the face of these powerful domestic and international forces. This was a pipe dream, as nearly everyone now recognizes. We would go a bit further, to argue that in a couple of respects controls did indeed cause higher prices.

For one thing, there is the effect on the psychology of the Federal Reserve Board. Even those skeptical about the real effect of controls—and it is by no means clear that this description applies to everyone at the Fed—would probably feel some influence from the announcement that some other part of government was going to take over the inflation problem. So if there had been no controls the money supply probably would not have expanded as rapidly, and prices would not have risen quite so sharply.

Beyond that is the problem of shortages. The diehard supporters of controls ignore this problem when they contend that their policies have not failed but were never tried. It is of course quite true that the biggest price jumps have occurred during the more relaxed phases of the controls program. Usually these apologists blame the relaxation on George Shultz' association with the University of Chicago, but those who look not at personalities but events will find the following cycle:

Tight controls are imposed. Shortages and dislocations start to develop. Because of the shortages and dislocations, controls have to be relaxed. Then you get all the price increases you would have had during the tight-controls period, plus those caused by the controls-induced shortages, and probably some more by businesses trying to get ahead of the next period of tight controls.

No group of controllers will be able to avoid this cycle, for none of them can possibly be smart enough to foresee the secondary and tertiary effects of their actions, especially in an increasingly integrated global economy. They learn too late that if they fiddle with gasoline prices and supplies they may end up with a fuel oil shortage. After setting U.S. prices for fertilizer or cotton they suddenly learn that world prices are higher and foreigners are buying so much of the supply there isn't enough left for Americans. And if they achieve really efficient enforcement with an army of bureaucrats, they will drive down investment and plant expansion and end up with shortages of everything.

So we very much doubt that the dismal record of controls have much to do with any particular set of men or philosophy of controls. The problem is something far more basic, the limits of human intelligence. And the sooner we recognize that controls are doomed by facts of simple physiology the sooner we will be able to start rebuilding a healthy economy.

In what ought to be have been a final blow to the continuation of wage and price controls, the administration's own labor-management advisory committee, composed of 10 top business and union leaders, has urged that the controls be terminated not later than the end of the present calendar year. The AFL–CIO has formally urged the restraints be removed as quickly as possible. And in an unusual joint letter, the U.S. Chamber of Commerce and the National Association of Manufacturers has asked the President "to end the entire wage-price control program promptly, without prior notice and without a sector-by-sector phase-out." Yet administration officials have refused to commit themselves to any fixed dates for ending the restraints.

Where should we go from here?

WAGE-PRICE CONTROLS SHOULD BE REPEALED

Mr. Speaker, the statistics which I have cited—the hard facts and cold evidence—on the failures of wage and price controls point inescapably to the dispassionate observer to an urgent need to retreat from the present policies and programs. I am fully aware of the ramifications of such a change in the administration's policies—political, procedural, even ego. But if this administration does not now retreat on wage and price controls it may—

Further jeopardize the strength of the economy, including the purchasing power of the dollar;

Proceed further into the quagmire, the abyss, of endless and intricate regulations, leaving future administrations little recourse but to continue to act in reliance upon Government regulation;

Further undermine the people's faith in the effectiveness of Government;

Continue to undermine the philosophical and historically demonstrable truths of capitalism and the market economy, by the espousal of misrepresentation and untruths.

I recommend, first, the recission by the President of the wage and price controls currently in effect under phase IV.

I recommend, secondly, the repeal by this Congress of the Economic Stabilization Act, and I have cosponsored legislation to achieve that purpose. That legislation has now been introduced in both Houses of the Congress.

I recommend, thirdly, that this Nation take a fresh look at the capabilities of the market economy to resolve perceived economic maladjustments. As Hazlitt recently penned—

A state-controlled economy is incapable of solving the problem. The bureaucratic managers of nationalized industries may be conscientious, God-fearing men; but as they have no fear of suffering personal losses through error or inefficiency, and no hope of gaining personal profits through cost-cutting or daring innovation, they are bound, at best, to become safe routineers, and to tolerate a torpid inefficiency.

Hazlitt adds that—

Such an economic system would be without the guide of the market, without the guide of money prices or of costs in terms of money.

The bureaucratic managers . . . would not know which items they were producing at a social profit and which at a social loss. Nor would they know how much to try to produce of each item or service, or how to make sure that the production of tens of thousands of different commodities was synchronized or coordinated. . . . In short, they would be unable to solve the problem of economic calculation. They would be working in the dark.

A retreat from wage and price controls must be accompanied by a realistic policy to attack the actual causes of inflation. In order to restore a stable price structure, we must alleviate those conditions which have required the high rates of monetary expansion, namely, the growth of government spending. Government spending must be curtailed, and that is the responsibility of this Congress.

Writing in the Federalist Papers, Alexander Hamilton, who was to become Secretary of the Treasury himself, wrote these poignant words:

A power over a man's subsistence amounts to a power over his will.

Mr. Speaker, it is immoral, in my opinion, for one man or men, through the powers of coercion given them through the force of law, to have such a power over another man's subsistence and, ultimately, over the exercise of his free will.

Wage and price controls must be repealed.

THE ECONOMY: SOME THOUGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 30 minutes.

Mr. OWENS. Mr. Speaker, I rise today to join in the continuing debate over the deepening economic crisis facing our country and to offer, for the consideration of the Congress, some ideas I hope might have some worth.

The economy has become this country's principal concern and inflation our No. 1 preoccupation. There is little hope of relief soon from the rocketing prices that have plagued consumers this year. Food prices rose more rapidly in August than they have in the last 27 years, with the wholesale price index climbing a staggering 6.2 percent in 1 month alone. A multiplicity of supply shortages, a crippled, devalued currency and runaway, uncontrolled inflation of 7.5 percent threaten traditional American affluence. Prime interest rates of 10 percent reflect the spiraling cost of both short term and mortgage loans, which are at their highest levels since the founding of the republic and which some reputable economists tell us, may precipitate increased unemployment and a resultant recession. Even for those willing to pay unprecedented rates, there is very little money available for borrowing.

It troubles me to watch at the same time, our economic stability being subverted by the very nations we have depleted our treasury to defend. The dollar is grossly undervalued on the international market. Foreign investors have become increasingly disillusioned with the sagging American dollar. The two devaluations have cut the par value of their holdings by 18 percent. Their uneasiness was increased when the floating monetary conversion were instituted in March, causing the U.S. currency to continue its downward slide.

THE PROBLEMS

It is my opinion that our current dismal economic situation stems from three general problems.

1. DISILLUSIONMENT ON PRIORITIES

First, there is a basic disagreement between Congress and the executive branch over spending priorities. The President favors a budget that seeks to increase our military spending. The Congress, while insisting on a strong defense capability,

favors an economy geared more toward meeting domestic needs.

A constitutional confrontation has sprung from the President's unlawful refusal to accept Congress' spending decisions. He has impounded funds and terminated programs established through lawful process without any authority whatsoever. Lower courts have upheld Congress, almost unanimously and a definitive Supreme Court decision is expected this fall.

The need for a balanced Federal budget is genuinely apparent, but it remains unattainable without compromise on basic disagreements over spending priorities.

2. THE BUDGETARY PROCESS

The second basic problem lies in the archaic budgetary process. Congress authorizes spending and Congress raises the revenues, yet we do not even prepare our own budget. We await the President's recommendations and then react in a completely disjointed manner. Without ever comparing projected revenues with projected expenditure levels, we try to shape priorities through 14 appropriation bills, each considered separately. We vote for or against hospitals, for or against education and for or against military expenditures, without ever comparing one against the other to consider the relative importance of each. It is a curious thing that we have no congressional machinery to require that we take a more rational approach to spending.

3. THE ADMINISTRATION'S ECONOMIC POLICIES

The final cause is the most obvious and has had the most direct impact on our economic troubles. It stems completely, in my opinion, from the administration's mismanagement of economic policies.

The problems began, first of all, with the President's refusal to participate in wage and price settlements for the first 2½ years of his administration. President Nixon announced shortly after he took over that the Government would no longer attempt to set guidelines to hold down prices and wages as his predecessors had done.

Then, for 2½ years, inflation grew steadily greater, with industry and labor both, in many instances, obtaining increases beyond a justifiable limit. The President then tried to compensate with a stop and go, "now do everything, now do nothing" policy completely lacking coherent long-range planning.

Second, the gross deficit spending—nearly $115 billion from 1969 to 1973—caused primarily by an unwanted, crippling war in Southeast Asia, drained our resources away without productive input to the economy.

Third, the administration's fiscal policies, and the monetary policies of the Federal Reserve Board in 1971 and 1972 were calculated not to solve economic problems but to produce maximum economic expansion and high employment at election time last year. The Federal Reserve Board's complicity in this policy has been admitted by its chairman, Dr. Arthur Burns, who stated recently that the Board's policies had been overly expansionary, and contributed to the ravenous inflation which began in early 1973.

Fourth, the release of all phase II controls and the conversion to phase III permissive policies on January 11, 1973, came at an unprecedented time, when there were indications of a stabilizing economy. In effect, a release of all controls, without any indication of long-range plans, lead to widespread industry and business movement to increase prices, to make up for past grievances, imagined or real, and to take some advantage in preparation for the uncertain future. The President's action defied and surprised, apparently, all his economic advisers, and lead directly to the current uncontrolled and uncontrollable inflationary spiral.

Last, phase IV controls, now moving generally, in the right direction, are still not uniformally applied. In the petroleum industry, for example, the wholesaler is allowed to pass on his increased costs of doing business, but the petroleum retailer was required to absorb the 2 or 3 cents per gallon wholesale increases, and could not pass other increased costs of doing business along to the public.

The administration has never learned that controls must be applied evenly and fairly. Earlier, for example, the exemption of raw agricultural products from the freeze led to the destruction of valuable livestock, with many farmers sending milking cows, laying hens, and wool-growing sheep to be slaughtered, and killing baby chicks, because their sale prices were controlled but feed costs were not, and they were unable to afford the increased costs of feeding the producing stock.

The President's unwillingness to call for equal treatment manifested itself again when he ended price controls on health services and food, but continued the freeze on beef. While general price rises were quickly passed to the consumers in all other areas, meat wholesalers withheld livestock from the market until the unfair restrictions were lifted. The result was that beef shortages swept the country during August.

Now the Cost of Living Council has allowed the oil retailer to pass on increased costs of purchasing gas, but not other increases and this discrimination may yet lead to gas shortages. Hopefully, a policy of mandatory allocation of fuel will be implemented soon by the administration. If it is not, congressional action will require it to prevent extensive shortages of heating fuel over the winter.

SUGGESTIONS FOR PROBLEM 1: THE BATTLE OVER PRIORITIES

The Federal budget is an outline of Government objectives, a final decision as to which problems will be attacked with money and which simply with rhetoric. The budget has a significant impact upon employment levels and the rate of inflation and affects, for good or bad, the whole economy.

The administration's priorities are clearly reflected by its budget recommendations for military and foreign assistance spending as contrasted with domestic spending.

Programs to be cut back under the President's proposals include health care, urban and rural development, housing, education, vocational rehabilitation, and pollution control programs. Meanwhile, the defense appropriation proposals remain relatively unchanged. Although we saved $9 billion per year by ending the Vietnam war, no such reduction is reflected in the President's budget proposals for the current year. Instead, he asked for $6 billion over last year's $75 billion.

Congressional spending reflects a completely different set of priorities. We have consistently cut from defense, space and foreign assistance and added in the areas of education, health and pollution control, among others. In the first 4 years of President Nixon's administration, Congress has effected a net cut of over $21 billion from his request for spending, over and above significant increase in some areas of domestic spending.

I believe that we could cut the defense budget by at least $5 billion, and probably $10 billion, without impairing our defensive capabilities in any way. Several of the Department's new expensive weapons systems are not needed and will not contribute materially to our defensive capability. Many do not perform as expected. The B–1 bomber system, for example, is conservatively estimated to cost $25 billion, yet its potential is little better than our existing B–52 forces, which are entirely capable of penetrating present Soviet defenses and will last as long, probably, as we can militarily justify a bomber system. Projected expenditures for the ABM, nuclear powered aircraft carriers and the F–15 fighter, among others, are not supported by a realistic assessment of our defense needs.

Expanded unified purchasing policies could save sizable amounts, according to the Joint Economic Committee.

Finally, our allies can and should bear more of their own defense burdens. By cutting our European troop levels in half, or requiring, in the alternative, that these costs be paid by the European countries they defend, we could save at least $2.9 billion annually, and probably much more. President Eisenhower said in 1963 that he felt our presence—a nuclear shield, in effect—could be maintained with about one quarter the troops presently stationed there. Troops can be airlifted to Europe together with their heavy equipment, now, in a matter of hours.

For years Congress unquestioningly gave the Pentagon everything it requested. Now we are starting, not just to question, but to require justification for new expenditures—and that is genuine progress.

SUGGESTIONS FOR PROBLEM 2: REFORM OF THE BUDGETARY SYSTEM

Congressional reform of its own budgetary procedures is long overdue. Hopefully, this year's report by the Joint Study Committee on the Budget will serve as a foundation for this reform. Their recommendations include specific procedures that, if implemented, would provide Congress with management tools to permit us to match projected outlays with projected income and to control Federal outlays and determine spending priorities.

And they would give us the ability to make management decisions about deficit or surplus spending strategy or tax increases or decreases, as the economic circumstances may dictate.

The committee's suggestion for a congressional equivalent to the Office of Management and Budget would provide Congress its own budget preparation capability.

This year-round staff of economic experts would, each year, prepare a congressional budget—our own basic framework for setting priorities.

We could make a very significant change in neutralizing the executive branch's monopoly on expertise by providing the Congress with an independent source of experts not accountable to the administration. Information and statistics upon which our meager attempts at legislative oversight of the different departments must be based, are now available only from the departments we are supposed to be policing. How can we hope to intelligently control the administration when we must rely solely for data upon the very Government officials we are supposed to be checking on? It is indefensible that Congress does not have an independent source of information.

Zero-based budgeting may be another method of modernizing our budget system. Under current procedures, the existing agencies are merely required to justify increases over their previous year's appropriation. Zero-base budgeting would subject each program to a periodic defense of its very existence. The new proposal stipulates that every few years a program up for renewal of its authorization would be expected to justify and support its past effectiveness and future objectives, just as if it were a completely new program. In my opinion, this would add greatly to the efficient operation of Government agencies.

Congress, acting upon its own budget as the starting point, rather than the President's proposal, must provide itself with the tools to match projected income against projected outgo, and in a management decision, determine whether to have a balanced budget—if economic conditions as now require it—or whether to permit deficit spending. The previously unthinkable proposition—a payment on reducing the national debt—may even be possible in a year of surplus and favorable economic conditions.

I am supporting bills to enact these and other changes which I regard as essential. Several of these have been originated by me, the result of many years' interest in the subject of legislative reorganization as a Senate staff member. There finally seems, Mr. Speaker, to be a move toward some consensus in Congress that something must be done to change our creaky budgetary machinery. But it will require some inroads into the power structure of this institution—some significant changes—and I know this will be accomplished only with great stress and only if the public requires it of us.

SUGGESTIONS FOR PROBLEM 3: ECONOMIC AND MONETARY POLICIES

Increasing supplies: The United States is currently experiencing its worst inflation since the outbreak of the Korean war. A significant increase in resource supplies will alleviate much of the inflationary pressure, and that goal is the policy, now, of both the administration and the Congress. The recently passed farm bill, removing all growing restrictions, is designed to maximize farm production. Farmers have responded despite floods and shortages of fuel and fertilizer. Corn production is likely to rise 6 percent this year and soybeans 24 percent. Wheat crops are predicted to break all records with a yield of 1.36 billion bushels, 13 percent over last year's figures. An improved system of transportation for farm produce will further aid in decreased consumer prices. We have also increased the supplies of raw materials by the sale of $1.9 billion of excess Government metal stockpiles and Congress is preparing legislation to sell an additional $4.9 billion of these stockpiles in the near future. Work is scheduled to begin on the Alaskan pipeline which will eventually provide the United States with 2 million barrels of oil per day.

Restore competition: The Government cannot afford, however, to allow policies aimed at increasing resource development to smother our system of free competition. The oil depletion allowance, for example, was originated to stimulate development of additional crude oil sources, and is calculated against the profits realized by crude producers. This incentive for greater crude profits has stimulated higher prices. The major oil companies which control gasoline production, refining and retail sales, keep their crude prices just low enough to sustain a market demand, but high enough to prevent the expansion of smaller independent refining companies.

The independent retailer has purchased surplus crude and refined products in past years and provided the competition to keep prices down. The major oil companies have taken advantage of shortages to cut off sales to the independents, threatening the continued existence of the only real force to hold down retail gasoline costs. Government policies have allowed our oil industry to become a concentrated field of verticle monopolies. Twenty U.S. firms control approximately 94 percent of domestic crude resources. An almost identical list owns 87 percent of the gasoline refining capacity in the country. In fact, the eight major oil companies alone control 59 percent of the U.S. refining capacity. I am hopeful that legislation recently introduced to prohibit oil industry ownership at both production-refinery levels and retail merchandising will eventually come before the Congress and be passed.

A renewed interest in antitrust activity by the Justice Department is an absolute necessity, and my own House Judiciary Committee is pressing for that increased activity.

Build small business—relieve Government pressure: Government action to regulate large corporations and to aid the faltering small business community is long overdue. Indeed, Government policies seem calculated to smother the small businessman. Yet this country's long-range needs require that there be small business competition with big business. Much of my own efforts will be aimed at helping simplify and deregulate Government interference with the individual business. My own specific proposals will be spelled out very soon and I will be introducing legislation to help alleviate the distress of the small businessman.

Tax reform: Business activity could be assisted through specific tax changes to help keep the economy moving along, encouraging development at lower levels, and discouraging it right now at the large corporate level; to help hold down inflationary pressures. The accelerated depreciation range—ADR—should be discontinued for large business, and increased and simplified for the small business. It is of little use to small enterprise now, due to the enormous amount of paperwork involved. We could save our Federal Treasury as much as $1 billion annually if ADR were realined. An indirect result of this change in the asset depreciation range could be a shift of available capital to new housing starts, which have lagged miserably this quarter.

The Investment Tax Credit could also be amended to reduce application to the large industry, but to benefit small business. The original justification for this credit in 1962 was to provide an incentive for industrial expansion. This incentive is not presently needed by the large corporations. They are currently producing at only about 80.5 percent of capacity. We should remove this credit. The large corporations whose profits this quarter are the highest in history—even under supposedly strict price controls, do not need this assistance to expand production facilities.

A decrease of tax credit availability for these corporations could allow a substantial tax credit increase for small business with no loss in tax revenues. This could encourage growth of small business, and allow them to compete more effectively with the enormous corporations which dominate our economy. And by decreasing the tax incentive for large industries to expand production facilities, we would be easing inflationary pressures, or at least equalizing the economic impact that such a tax break might stir up in the smaller business community.

Foreign trade: I am also in favor of expanded trade with foreign countries. Our balance-of-payments distress and our general economic well-being require as much exports as possible, based upon our critical need to import vast amounts of raw materials—of which oil is the most obvious item.

But we must examine the consequences of our foreign sales more carefully. The Agriculture Department's wheat deal with the Soviet Union for example, negotiated at the same time they were restricting wheat growth, showed either a total misunderstanding of its implications for the domestic economy or a callous, almost criminal disre-

gard for the welfare of the American people. That sale, of one-fourth our entire wheat crop, was directly responsible for higher bread and wheat prices and extensive shortages this year. Planned exports this year, together with greater domestic consumption, will reduce American reserves to very low levels by mid-year, 1974.

Congressional pressure to prevent such disastrous foreign transactions has led to establishment in the Commerce Department of a mechanism which, if sales abroad threaten domestic supplies, can lead to an embargo on further foreign sales. Such an embargo was implemented in July of this year to prevent further sales of soybeans, which among other factors, has forced a significant reduction in soybean prices.

But to the extent that sales abroad do not create shortages at home, they must be encouraged. A better balance of payments is critical to maintain international confidence in the American dollar. The basic problem underlying the dollar's international decline stems from a lack of confidence in the U.S. economy, of course, and the ultimate answer to this dilemma is controlling our domestic inflation. A strong production performance, supported by a balanced budget, would go a long way toward restoring international confidence in American currency.

The goal—A return to a free market: The eventual goal of any system of price controls must be their own elimination, as soon as possible, in favor of a highly competitive free market system, where Government participation is —limited to antitrust enforcement and minimum regulation, including a rational set of price and wage guidelines during times of high inflationary revenues. Interim Government regulation of wage and price decisions is not desirable, but temporarily necessary. The alternative of sole reliance on fiscal and monetary policy proved ineffective and costly between 1969 and 1971 and will not suffice again until normalcy is more nearly attained.

In the meantime, the Cost of Living Council must evaluate more carefully applications for price increases, principally by large corporations whose impact upon the economy is so extensive. They must learn to say "no" to requests that are inflationary. Present controls are of no use at all unless the Council enforces with equality and fairness the rules governing the economy, and this must include allowing under Phase IV, the gasoline retailer the right to pass on his increased costs of doing business. The pleasant surprise of our 2-year economic distress has been the responsible attitude of organized labor, whose increases have been held to an average of 5.7 percent per year. Prices have been the villain.

SUMMARY

The health and stability of our economy has a great impact on every other aspect of American life. Congress and the administration share responsibility both for these mistakes and for the policies of the future. The public's tolerance and acquiescence will be required to make the system function.

Inflation must be reduced. The economy must be kept strong. Government spending must be controlled and intelligently directed to solve our society's problems. And rational economic policies must be uniformly applied to fall with even impact across all segments of society.

It is a legitimate function of the Congress to direct that effort. I hope fervently that we will accept our responsibility, provide ourselves with the tools and move forward to met our obligations.

THE GAS BUBBLE—IX

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, San Antonio is supposed to have an assured supply of natural gas for 9 more years, according to its contract with the Coastal States Gas Producing Co. But Coastal has become unable to deliver more than a fraction of their commitment, not only to San Antonio, but to every other customer it has in Texas.

One reason for this sudden inability to deliver is that Coastal has sold more gas than it owns or can conceivably buy or find. Reserves that were intended to fulfill San Antonio's contract, among others, have been sold outright to other customers. One such contract is effective on November 1, and it alone will take away 25 percent of the gas that Coastal is delivering to its Texas customers today. When this contract is carried out, Texas customers who have senior contracts will suddenly lose 330,000 million cubic feet of gas a day—enough to provide heat and power to a city of nearly a million people. Coastal itself will be left with less gas than it will need to meet even human necessities.

This kind of vicious deal has left hundreds of Texas communities with the prospect of little or no heat or light this winter.

San Antonio has asked the Texas Railroad Commission to set aside this and other contracts whereby Coastal has sold its reserves outright. But the railroad commission has yet to rule on this, and the key contract becomes effective in just 2½ weeks.

Nobody knows what the railroad commission is going to do. If it sets aside the so-called diversion contracts, Coastal's existing customers will be in trouble enough because, even with the present amount of gas available, Coastal will still not have enough to meet its customers' demands. If the commission lets the contracts stand, San Antonio and other communities will not even have enough gas to meet basic human needs—heating for homes, for hospitals and schools, and cooking, let alone for electrical power generation. Millions of Texans surely must hope that the railroad commission sets aside Coastal's infamous double deals, and does not allow the company to sell out from under them the gas that they bought years ago.

Since nobody knows what the commission is going to do, and since there will not be enough gas in any case to serve Coastal's customers, San Antonio and other communities have been scrambling for other gas supplies and for alternate sources of fuel. To these communities the new fuel allocation program could be a disaster.

The fuel oil allocation program allows consumers to receive allocations of oil based on their consumption in the year 1972. But in that year San Antonio consumed only 185,000 barrels of oil, because Coastal was still delivering more or less regularly the gas they were committed to, and oil was required only for emergencies, which by then were becoming frequent. This year we have already burned seven times as much fuel oil in San Antonio as we did in 1972, and winter is still some time away. If we were held to the 1972 level, the community would be facing catastrophe, without gas or oil, either.

Some communities are in just this position—with little or no oil, and the prospect of little or no gas, either. Those communities are in very serious trouble today unless they can get some kind of exemption that will allow them to obtain fuel oil, and unless the Texas Railroad Commission sets aside Coastal's gas diversion contracts.

San Antonio was one of the early communities to detect the perfidy of Coastal and its board chairman, so the city has worked hard to obtain emergency oil supplies. Today, San Antonio has in storage 1.08 million barrels of fuel oil, and owns another 225,000 barrels that are awaiting storage. This will give the city enough oil to survive the winter, if gas supplies are decent and the winter is mild.

San Antonio also has agreed to purchase 7,000 barrels a day of oil through a new pipeline, commencing in January—that is, unless the oil allocation program takes this away.

If San Antonio averts catastrophe this winter, it will have escaped the most serious consequences of some of the most vicious robber barons of all time—Oscar Wyatt and his gang. And by luck, San Antonio at least has obtained fuel oil against emergency needs, and has it in place, ready for use. Other communities may get no gas, or very little, and will suffer enormously if they do not already own sufficient fuel oil—and many do not.

Some in San Antonio think that the recent temporary rate increase granted to Coastal will insure a sufficient gas supply for the winter. They could hardly be more wrong. There is no way that Coastal, with any amount of money, could even replace the amount of gas they propose to divert beginning in November, let alone get enough additional to meet their contract obligations. Even if Coastal cannot divert the gas they plan to, the extra revenues from the new gas rate will be insufficient to allow them to buy the gas they are contracted to sell. And the signs are that the company is

not really trying very hard. The gas crisis was not easy to produce in Texas. It took some of the most devious dealings of all time to produce Wyatt's gas bubble, and burst it. So those who think this mess the vicious, ruthless tactics by which he will be easy to undo are merely fooling themselves.

San Antonio will have an energy crisis for a long time to come. For now, the city is in relatively good shape, thanks to immensely expensive outlays for oil, and for oil storage. Those outlays are the responsibility of one man, and that is Oscar Wyatt. He should pay for every dime that the city has paid for storage facilities, and for every drop of oil we will have to buy or burn.

In the longer run, San Antonio will have to build coal-burning electric generating plants, and will have to buy the coal to put in them. There will have to be trains bought to transport the coal too. Again, all of this is the responsibility of Oscar Wyatt and his company. Every dime of this outlay should be his responsibility.

San Antonio will have to lay out many millions of dollars for nuclear generating facilities, too—much sooner than anyone had ever thought. Here again, Coastal States Gas is responsible, and ought to pay the costs.

San Antonio may have enough fuel to last the winter this year. I hope so. If we avert catastrophe, we will be lucky, but it will cost huge amounts of money. Indeed, it has already cost millions. I am looking to Oscar Wyatt to make that cost good. I do not think any citizen of San Antonio should have to be paying for his perfidy and double dealing. The higher rates that the people of San Antonio are paying for electricity and gas should not be their burden at all. The fuel oil bills, the storage bills, the higher gas bills—all of them should be forwarded to Coastal States Gas for collection.

But whatever San Antonio can obtain from Wyatt in the form of damages, no amount of money will avert disaster this winter, at least for those communities which, unlike San Antonio, do not have an alternate source of fuel. For them, the only real hope lies in the railroad commission taking action to prevent Coastal from diverting the gas it now has in its system to new customers—customers that bought not gas from Wyatt, but actual gas reserves. These customers knew that Wyatt had no gas to sell, only gas that he had already sold. If the railroad commission allows this double dealing to proceed, they will have sanctioned the most vicious theft in Texas history, and thus sealed the fate of those communities that must have gas from Coastal. I hope that the commission will stop the Coastal diversion contracts. There is not much time left.

THE 100-PERCENT PUBLIC FINANCING OF FEDERAL ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GUNTER) is recognized for 5 minutes.

Mr. GUNTER. Mr. Speaker, I am today introducing a comprehensive proposal which provides for total public financing of all Federal elections, to include primary as well as general election campaigns.

Events of recent months culminating this week in shock at the news of the Vice President's resignation argue forcibly that the Congress consider such legislation.

In stepping down, Mr. Agnew remarked that the charges of accepting cash contributions from special interest representatives were, after all, based on common practices in politics as he knew them to be.

And there is more truth to what Mr. Agnew said than many would like to admit.

The fact is that as long as candidates for public office are dependent upon private contributions for the financing of campaigns, there will continue to be influence peddling and favors to the few at the expense of that great number known as the "public."

Expenditures for campaigning for Federal office are far too great. In 1972, the President and his supporters spent $60 million to stay in office. Senator McGOVERN and his supporters spent neary $24 million in a losing effort to unseat the President.

A senatorial campaign in many States can cost upward of $1 million per candidate and $100,000 spent in a race for the House of Representatives is common.

And these are only the apparent costs of running for office. The American citizen has become recently and painfully aware of significant "hidden expenses."

There was the matter of the $400,000 in campaign contributions by major milk producers to the President's reelection efforts, followed closely by a boost in Federal price supports for milk. Today, this is costing consumers between $500 and $700 million a year in higher milk prices.

This sum alone would provide three to five times the cost of financing all Federal elections from President to all 435 seats in the House of Representatives under the legislation I propose today.

Then there was the half-million dollars donated in 1968 and tripled to $1.5 million in 1972 by the oil lobby to the Nixon campaigns for President. Little wonder that despite a recommendation of his own Cabinet-level task force, the President has resisted lifting oil import quotas.

This cost to tens of millions of oil consumers is estimated at $5 billion a year—30 times the most liberal estimate of the yearly cost of public campaign financing of Federal elections.

Testimony at the Watergate hearings in the Senate are replete with tales of large, often illegal, cash contributions to last year's Presidential election campaign:

> . . . on balance, drastic measures are needed if we are to remove the curse of money that now corrupts our political process. If we do not learn at least this lesson from Watergate, we are doomed to repeat that wretched course of instruction.

These words were written by the distinguished columnist, James J. Kilpatrick. In addition to being an articulate spokesman for the conservative viewpoint, Mr. Kilpatrick is a good Republican.

Mr. Kilpatrick might be happy with the Federal Election Campaign Reform Act of 1973 that I am introducing today. For it is certainly drastic in at least one sense—it sets up an entirely new method for choosing persons elected to high Federal office.

And in many ways it is much fairer. I like to think it comes as close as possible to expressing the true sense of the "one-man, one-vote" principle which has been distorted in the past due to the presence of great sums of money from small numbers of contributors.

There are five major proposals pending before the U.S. Senate and the Udall-Anderson bill in the House of Representatives which advocate some form of public financing.

To my knowledge, mine is the first bill to propose total public financing for all Federal elections in primary as well as general election campaigns.

How does my bill differ from these other proposals?

It authorizes a unique petition procedure for a candidate to qualify; it prescribes the limits of spending and provides the sums needed for both the primary and general election campaigns, and it establishes a nonpartisan Federal Elections Commission to implement and oversee the provisions of the act.

My proposal prohibits all private contributions to individual candidates for Federal office yet insures each candidate who qualifies adequate and identical sums of money as others in the same race.

It does permit individuals to make contributions of up to $100 per person per year to a national party if they so choose.

To prevent persons who do not have or can not generate a base of support for their candidacies from receiving public funds, there is the petition procedure safeguard.

Voters who sign the petition of one candidate can not sign the petition of another in the same contest.

In the case of a primary election for the U.S. House of Representatives, the signatures of 3,000 individuals eligible to vote will qualify a candidate for disbursements from the public fund. The sum per qualified candidate in this particular race would be $40,000.

In the event of a runoff election, each candidate would receive $20,000 and the winner an additional $60,000 for the general election. A candidate is not eligible for disbursements if there are no other candidates in the primary election or general election involved.

Similar petition procedures, though involving greater numbers of eligible voters and greater sums for campaigning, are provided in my bill for campaigns for the U.S. Senate and for the Office of President or Vice President.

The latter includes procedures to cover Presidential preference primaries in various States as well as a means for minor parties and minor party candidates for getting access to fund disbursements.

The petition concept serves two very useful purposes. First, it insures that persons who qualify have significant public

support and, secondly, it entices incumbent officeholders as well as challengers to get out and campaign hard among their constituencies.

Now, a word about cost.

Those who might think that my bill would bankrupt the U.S. Treasury are quite mistaken. Under the most liberal cost analysis formula which imagines three times the number of qualified candidates as ran in 1972—an unlikely event—the total expenditure would be $174 million a year for all races or less than one-tenth of 1 percent of the annual Federal budget.

To break it down all the way, the cost would be $1.25 per year per eligible voter.

If the number of candidates is, more realistically, twice the number as in 1972, the cost would be $150 million per year or $1.06 per voter. If the number is the same as in 1972, the cost would be a mere 89 cents per voter. And that is a bargain price to pay for real election reform.

In 1972, $79 million was reported to the General Accounting Office as being spent on the Presidential race, $26.5 million in U.S. Senate contests, and nearly $40 in House elections. Clearly much more was spent than the $145 reported, and most of that unreported money came from a relatively small number of wealthy campaign contributors.

I realize that few bills, especially one as complicated as public financing of elections, is perfect. However, such legislation must in my opinion preclude private contributions to succeed.

If my proposal or a modified version is adopted then we may one day realize the reality of a concept I learned not so long ago in school: That one man's vote is truly worth as much as another's.

VIETNAM VETERANS PSYCHOLOGICAL READJUSTMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, although the Nation's direct military involvement in Indochina is ended, the wounds of war have not healed and the reconciliation of peace not come. Nowhere in America does the conflict endure more intensely than in the minds of thousands of veterans of the Vietnam war. The Nation is fulfilling its responsibility to repair the torn limbs and heal the mangled bodies; but not the wounds of the mind, soul, and spirit that afflict the millions of veterans and their loved ones who bore the brunt and bear the psychological scars of this tragic war.

In the past the Nation has provided generously for the needs of its veterans with comprehensive benefits, hospitalization, meaningful employment, and the assistance and the opportunities needed for the veteran to make an effective readjustment to the civilian world. But the Vietnam veteran has returned to apathy, indifference, unemployment, and alienation; neglected by the Government and rejected by the people that sent him to war.

The media quietly recorded the tragic fate of thousands of Vietnam veterans: suicides, acts of crime and violence, car accidents, and drug abuse. But nowhere told are the stories of broken families, wrecked lives, lost careers, uncertain futures, and men, women, and their families haunted and alienated by the psychological effects of the Indochina experience.

The Navy's Center for POW Studies in San Diego reports that one in two married POW's will be divorced or separated from their spouses within the first year of their return. A Department of Defense study reports that one in six married veterans will be divorced, that one in five will have been arrested within 6 months of their return to civilian life. Forty-six percent of the Vietnam veterans in the VA hospitals are being treated for psychotic or psychiatric problems. Over 70,000 Vietnam era veterans are receiving compensation from the Government for psychiatric and neurological disabilities. A memorandum from the Department of Medicine and Surgery of the Veterans' Administration states:

> After every war the great majority of veterans are young adults who must go through a critical period of transition from military to civilian life. The impact of absence from home, of exposure to different living conditions, life styles, and cultures, and of personal physical and psychological trauma, is such that readjustment is a highly complex process. The difficulty of this process has been markedly greater for the Vietnam veterans because of the controversial nature of the Vietnam conflict and the rapid social-economic changes that occurred during his absence. Reliable surveys and studies conducted by the military and the VA indicate serious and prolonged readjustment problems exist in approximately one out of five new veterans, but, to a lesser degree, were experienced by all.
>
> Since current statutory provisions governing Department of Medicine and Surgery health care services are tied to an illness rather than preventative health models, only a small proportion of veterans have sought or received these critically needed mental health psychosocial readjustment services. The consequence includes major economic and social cost to society stemming from the failure of these veterans to make effective readjustments, as well as the personal adverse psychological effects on the veterans and their families who served their country during a long and difficult conflict.

Mr. Speaker, on September 5, I introduced H.R. 10065, the Vietnam Era Veterans and Dependents Psychological Readjustment Assistance Act, identical to S. 2322, introduced in the other body by Mr. MCGOVERN. Today I am reintroducing this vital piece of legislation, with 17 additional cosponsors. Its overwhelming need is recognized and its provisions requested by the Department of Medicine and Surgery of the Veterans' Administration.

The Psychological Readjustment Act will accord the Veterans' Administration the authority it needs to provide preventative mental health care and psychological readjustment assistance. The VA's present authority limits it to assisting a veteran only if his mental disability requires hospitalization. This inequity denies assistance to the majority of veterans whose psychological readjustment problems, regardless of how severe or debilitating, do not necessitate hospitalization. It discourages thousands of veterans and many former POW's who fear the consequences to their careers stemming from hospitalization for psychological or psychiatric reasons. The VA inability to provide preventative health care and psychological readjustment assistance enhances the probability that the veteran's first hospital admission for a psychological problem will be a consequence of an act of violence, the abuse of drugs or alcohol, or an attempt at self-destruction. The Veterans' Administration mental health restrictions contradict the philosophy of the veterans benefit system "to help the veteran with the difficult transition from military to civilian life." Nowhere have Americans fought such a savage, violent, and divisive war only to return to a hostile and indifferent reception, and nowhere is more comprehensive new help needed than in resolving the psychological problems impeding the veteran's transition from his military experience back into civilian life.

Mr. Speaker, the Vietnam Era Veterans and Dependents Psychological Readjustment and Assistance Act would extend the VA's authority to treat and assist veterans dependents, families, or persons who exert a significant effect on the veteran's mental well-being. The recent tragic death of a POW was substantially caused by the readjustment difficulties he and his wife were experiencing after years of separation. Mental health professionals recognize that it is ineffective to treat a veteran's psychological problems if his mental well-being is substantially affected by his relationship to others and the problems they are encountering because of the Indochina experience. Psychologists report that many wives and families subconsciously removed the servicemen from their life to cope with the anguish of separation. Often veterans returned to their loved ones only to find that there was no place for them in their own family.

A third vital provision of the Psychological Readjustment Act provides the Veterans' Administration with the authority to contract for preventative mental health and psychological readjustment services.

Thousands of alienated veterans are reluctant to seek help from the VA, because they view the VA as an extension of the military and the policies that caused their psychological problems. Many veterans and former POW's are reluctant to seek assistance from the Government for themselves and their dependents, fearing possible social and career stigmas attached to VA psychological assistance. Veterans' Administration hospital in some cases are located so far from veterans needing help that transportation to a VA hospital is impossible. Since the VA has never had the authority to practice preventative mental health care and provide outpatient psychological readjustment services to veterans and their dependents it is imperative that the VA have the contract authority to assure that others can pro-

vide the comprehensive assistance that veterans require.

Mr. Speaker, America squandered $138 billion on a war that took young men from their jobs, education, families, and the best years of their lives and returned thousands of veterans, cynical, alienated, haunted, depressed, bitter, uncertain, apathetic; disillusioned at the corruption of America's values and haunted by the senseless brutality of the Indochina experience. Yet there are some who will say that we cannot afford to help our veterans and their loved ones overcome the psychological scars of war.

To those who say we cannot afford it, I say: "Can we afford more lives sacrificed to self-destruction? Can we afford more broken families? Can we afford more bodies poisoned by drugs and alcohol? Can we afford to have men's minds wasted and their potential lost? Can we afford to let the Indochina war continue to destroy the souls and spirits of our veterans as it maimed their bodies?" The answer is "No" and the time is now to destroy the last vestige of this barbaric war. We must conquer the hate and fear that have driven this country these last 10 years and more so when 30 years from now our veterans go down the street without a leg, without an arm, or a face, and small children ask why, they will be able to say "Vietnam" and not mean a nationally degrading memory, but mean instead the place where America finally turned and where Vietnam veterans helped America in the turning.

The text of the bill follows:

H.R. 10065

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 "Vietnam Era Veterans and Dependents Psychological Readjustment Assistance Act of 1973".

SEC. 2. Chapter 17 of title 38, United States Code, is amended by adding after section 620 a new section as follows:

"§ 620A. SPECIAL PSYCHOLOGICAL READJUSTMENT ASSISTANCE PROGRAM

"(a) As used in this section—

"(1) The term 'veteran' means any person who served in the active military, naval, or air service during the Vietnam era, regardless of the nature of his discharge, and who is in need of the services provided for under this section because of the performance of such service or because of a service-connected disability.

"(2) The term 'dependent' means—

"(A) the spouse or child of a veteran;

"(B) the spouse or child of a veteran who died while in service or who died as the result of a service-connected disability;

"(C) the spouse or child of a member of the armed forces in a missing status (as defined in section 551(2) of title 37); or

"(D) any member of the immediate family of a veteran or dependent (including a legal guardian), or, in the case of a veteran or dependent who has no immediate family (or legal guardian), the person in whose household the veteran or dependent certifies his intention to live, if the Administrator determines that providing services under this section to such member is necessary or appropriate to the successful treatment and rehabilitation of the veteran or dependent.

"(b) The Administrator shall initiate and carry out a special program for the treatment and rehabilitation of veterans, especially former prisoners of war, and their dependents who are experiencing psychological problems as the result of the active military, naval, or air service performed by the veteran. Such program shall include, but shall not be limited to, such psychiatric, psychological, and counseling services (in addition to those services otherwise authorized by this chapter) as may be necessary or appropriate for the successful treatment and rehabilitation of the veteran or dependent.

"(c) In carrying out the special program provided for in subsection (b) of this section, the Administrator shall, under such rules and regulations as he may prescribe, contract for psychiatric, psychological, and counseling services from public or private sources whenever the Administrator determines that—

"(1) such services are necessary or appropriate to the successful treatment and rehabilitation of the veteran or dependent and such services are unavailable or inadequate in Veterans' Administration facilities;

"(2) an undue hardship would be placed upon the veteran or dependent because of the distance the veteran or dependent would have to travel in order to obtain such services at a Veterans' Administration facility;

"(3) the hours at which such services are available at a Veterans' Administration facility are incompatible with the time available to the veteran or the dependent and would result in a financial or other hardship on the veteran or dependent to receive such services at the Veterans' Administration facility; or

"(4) such services provided outside Veterans' Administration facilities would, for any reason, be more beneficial to the treatment and rehabilitation of the veteran or dependent.

"(d) The participation of any veteran or dependent in the program provided for under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or participation in, any other program under this title.".

SEC. 3. The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding immediately below

"620. Transfers for nursing home care."

the following:

"620A. Special psychological readjustment assistance program.".

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the amendments made by section 2 of this Act.

A GIFT TO WASHINGTON

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

Mr. STAGGERS. Mr. Speaker, an outstanding environmentalist, the Honorable Theodore C. Fearnow, has been associated with the growth and development of the area surrounding Washington for many years. He is a native of West Virginia, and his love for West Virginia's river, the Potomac, has inspired a perceptive study of the river which is featured in West Virginia's attractive publication, "Wonderful West Virginia."

The Potomac makes Washington possible. Indeed, it might be argued that the Potomac made the United States possible. Three centuries ago the Potomac was the principal highway far into the continent of North America. The English gained possession of it, and in so doing gained ascendancy over the French, who had control over the only other important highway, the St. Lawrence. Entrance to the Middle West and the vast riches of the Mississippi Valley from superior starting places on the Potomac enabled the English to get there "fustest with the mostest."

Today the Potomac is West Virginia's gift to the Nation's Capital. The jagged crags of West Virginia highlands tear into shreds the air currents heavy with moisture gathered from the humid Gulf of Mexico. The water follows the gorges between the hills down toward a channel which has been cut through the dolomite by the overwhelming force of the river. In the vicinity of Harpers Ferry these streams converge to supply the millions of gallons of life-giving fluid needed to make an important river. Without them the Potomac would be little more than a creek.

Army engineers keep an apprehensive eye on their water gages in the Potomac. A flow of some 600 million gallons, I understand, spells a minimum supply for thirsty Washington and its suburbs. Substantially less would turn the area into a Sahara. Future growth is limited by the lack of any other practical source. I believe my fellow Members will read Mr. Fearnow's article with interest, and, I hope, with appreciation:

A LIVING LEGEND—THE PICTURESQUE POTOMAC

(By Ted C. Fearnow)

"For men may come—and men may go—but I go on forever."—TENNYSON

This is the Potomac, a river that is rich in history and tradition. The first American settlements opened the way for early exploration and development in the Potomac Valley. Under the primitive conditions that existed at that time, waterways were often the best and sometimes the only usable highways.

Early settlers soon found their way along the banks of the Potomac into the mountains of what is now Maryland, Virginia, West Virginia and Pennsylvania. Records of these explorations paint a glowing picture of abundance with respect to aquatic resources, forests, wildlife and minerals.

One of Captain John Smith's diaries records that fish at times were so abundant that "one might walk dri-shod from bank to bank on their backs." While Captain John was probably "stretching the blanket" a bit, it is well-known that the schools of anadromous fishes, such as the shad and herring that ascended the Potomac and James Rivers in search of spawning grounds, frequently moved in numbers that would almost substantiate his statement.

West Virginia makes a significant contribution to the river that flows past the nation's Capital. The South Branch of the Potomac, fed by dashing mountain streams from Pendleton, Grant, Hampshire and Hardy counties, is a major source of Potomac water. The Cacapon, Patterson Creek, Sleepy Creek, Back Creek and the Opequon all add their bit to make the Potomac a major river. By and large, West Virginia delivers relatively clean water to the Potomac.

A river is often remembered as the central feature of an area. A child is born, grows to adulthood and makes his home in the valley, with a great river silently but importantly in the background. The Potomac River has had a profound influence on the way of life of

those who live within its basin. To those who live in the upper reaches, it was the route followed by the old C&O Canal which opened a path of commerce between the mountains of Appalachia and tidewater at Georgetown. It also provided a water level route for the B&O Railroad, the nation's first, as it wound its way along tenuous curves toward Cumberland and the West.

As a small boy in a one-room West Virginia schoolhouse not far from the Potomac, I memorized lines from a poem characteristically used in those days to break the monotony of the spelling book. While the name of the poem is almost forgotten, I was always impressed by the closing thought, which read: "For men may come and men may go, but I go on forever." The biography of a river like the biography of a good and useful citizen is always a matter of great interest. Certainly the Potomac qualifies as a good and useful river.

Over the years, it has been my lot to maintain an intimate acquaintance with the Potomac throughout its vast basin. Actually four states, Maryland, Pennsylvania, Virginia and West Virginia supply water for the Potomac. Each of these areas is unique in its geography, economy and culture. As the French would say "Long live the differences" for the charm of local customs and concerns adds interest to the scene. Each of these provinces must, of necessity, place a high value on the Potomac and deal with it kindly. Having been born in a farm house on a small stream that feeds into Sleepy Creek, a Potomac tributary, my first drink of water came from the cool spring that fed our springhouse and flowed on to become a part of the Potomac.

Later, when my parents moved to Washington, D.C., I was exposed to the tidewater area of the river and the commerce that was a part of the broad estuary as it approaches the fall line near Washington. Oysters, fish, crabs and the farm products from tidewater Virginia and Maryland were brought to the colorful Washington harbor.

During the summer, Washington families looked forward to the arrival of boats heavily laden with watermelons, cantaloupes and other products from fertile tidewater farms. During fall and winter, oysters were available in such quantities that they were often bought by the bushel and shucked as needed. Neighborhood stores received, almost daily, supplies of fresh fish from the lower Potomac and the harvest was particularly bountiful in the spring when shad came in from the ocean to spawn.

My father, one of the early fisheries biologists in the United States Bureau of Fisheries (now the Fish and Wildlife Service), had an office in a venerable old brick building fronting on a beautiful park which was only a short walk away from the wharf at Washington. So I revelled in the commercial, sport and scientific aspects of the Potomac fishery and at the same time developed a close acquaintance with the small group of scientists who were working to conserve the country's aquatic resources. Because of this background, my own look at the river probably comes from a slightly different angle than that of the average American, but it is, nonetheless, highly appreciative. At one time or another during my "half century in conservation" I have floated, boated or waded most of the Potomac from its headwaters to its confluence with Chesapeake Bay.

As a young men, I had the privilege of serving from 1927 to 1934, as chief of the West Virginia fish hatchery system and came to know at firsthand the beautiful South Branch, Patterson Creek and many of the clear dashing streams that flow from West Virginia mountains to feed the majestic Potomac. To know the Potomac is to love it!

Like most people temporarily transplanted to a big city, my family was never divorced from its love of the West Virginia hills from whence they came. My father maintained his legal residence as a West Virginian throughout his career at Washington and frequent weekends plus summer vacations in Morgan County were looked upon as the ultimate in diversion.

The train trip from Washington to Berkeley Springs, powered by a steam-driven locomotive, was in itself a treat. With open-windowed coaches, cinders flying, the trips were indeed an adventure. The railroad paralleled the Potomac and the C&O Canal for many miles. Frequent glimpses of canal boats towed by mules or being passed through numerous locks always added to the excitement of the journey. The canal boats, with children playing on the decks; chickens, goats and other livestock as part of the passenger group, and with clothes flapping in the breeze from a taut clothes line stretched across the deck, created a picture that one can hardly forget. But these colorful aspects of the Potomac which were so enchanting to the casual viewer also had an impact on the life of the river. While the river does in truth go on forever, its biography must recognize the fact that as events have an impact on the life of man, so do events have a strong impact on the life of a river.

As a young lad, I had the privilege of going afield on numerous occasions with fisheries workers, whose knowledge of the Potomac was deep and comprehending. Statistical records had shown, around the turn of the century, that the shad fishery and other aquatic resources were beginning to decline. This was a matter of great concern to the U.S. Bureau of Fisheries and its dedicated little group of scientists.

One of the interesting personal sidelights of this period was my occasional opportunity to sail down the Potomac on one of the beautiful and seaworthy sailing vessels used by the U.S. Bureau of Fisheries in its study of ocean fishes. Periodically one of these vessels would tie up at the Washington wharf and arrangements would be made for a "sail" down the Potomac in one of these 40 or 50 foot craft that had roamed the world often under "sail power." To a boy, this was a real treat. The crew would have its pet monkeys, acquired while working in the Amazon area of South America or the Panama Canal Zone, or rare birds acquired in some other far away port. The slow-moving vessel, probing numerous inlets along the Potomac, sampling fish populations and making observations for scientific studies, would spark the interest of any American boy.

During this period as the early signs of a "Potomac sickness" were becoming more and more apparent below Washington, various remedial treatments were devised by fisheries workers. Across from Mount Vernon on the Maryland side of the Potomac, a fish hatchery was built to incubate the eggs of shad. In an effort to stem the decline of the shad population, the U.S. Government had crews of men contacting shad fishermen along the river to purchase ripe eggs (roe) when they were available. These eggs were transported to a hatchery at Bryans Point, Maryland, opposite Mount Vernon and hatched in large glass cylinders known as MacDonald hatching jars. Water from the river was pumped into the hatchery, forced through rubber tubes to the bottom of these jars filled with eggs and the resulting movement of eggs simulated the wave action that was nature's way of keeping eggs in movement until they could hatch.

I recall clearly, traveling with my father on inspection trips to the Potomac more than 50 years ago and his thoughtful observation that "the problem with the shad goes deeper than a need for restocking young fish." As he studied aquatic plants and other aquatic organisms in the estuary, he recognized that the habitat had been so degraded by pollution from Washington that the shad faced a bleak future. I recall also his observation that "the big ditch from Washington to Cumberland (the C&O Canal) has displaced a lot of soil and a lot of it is lodged here in the breeding grounds of the shad."

Coal mining on some of the tributaries of the upper Potomac created problems in the form of acid mine water. Erosion from farm lands and from forested hills denuded by wild fires added additional damage. As aquatic habitat continued to deteriorate, biologists sought new species of fish, for the more desirable native food and game fishes were unable to cope with the changed environment. The European carp was brought into the United States, and while few people remember it, the area around the Monument grounds at Washington was at one time largely taken up with ponds devoted to the propagation of carp for release in the Potomac and other rivers of the United States.

Growing populations in river towns above Washington have had their impact on the stream, resulting from municipal and industrial pollution although these problems are gradually being eliminated. In spite of all the destructive influences affecting the Potomac it has always yielded a crop of fish and provided much sport and recreation in the area upstream from Washington. Some of the tributaries of the Potomac, remaining relatively unspoiled, are remarkably clean in this area of dense populations. The Potomac River above tidewater probably reached its lowest point about 20 years ago. Since that time, there has been evidence of slow improvement as shown by changes in aquatic vegetation and fish life in this upstream area.

Those of us who reside in the Upper Potomac area of West Virginia look upon it as one of our great natural resources. Its clear, deep pools, its sparking riffles and tree-lined banks provide much the same view for the floating fisherman and canoeist that his Indian counterparts enjoyed from their birch bark craft three centuries ago. We must learn to live in harmony with the Potomac and other natural resources if we are to build a secure future for ourselves and our children.

SEPARATION OF POWERS AND FOREIGN AFFAIRS

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

Mr. PEPPER. Mr. Speaker, at a time when both Houses of Congress have just passed a resolution defining the authority of the President and the Congress in respect to the introduction of the armed forces of the United States into conflict outside the territorial jurisdiction of the United States, it is most appropriate that the Congress should give consideration to the separation of Presidential and congressional powers generally, particularly in the field of foreign affairs and policy. Many of us were fortunate enough to hear last evening over the radio a learned and eloquent address upon the subject of separation of powers and foreign affairs, delivered by Senator SAM J. ERVIN, JR., at The Center for the Study of Democratic Institutions, Convocation on New Opportunities for U.S. Foreign Policy in Washington. In this outstanding address Senator ERVIN has thoroughly reviewed the constitutional and statutory authority of the President and the Congress in the field of foreign affairs and has

brought to this crucial subject a vast knowledge of constitutional law, his wide legislative experience, and his own inimitable manner and persuasiveness.

Senator ERVIN has made a magnificient contribution to this critical subject at a time when it is at a crisis stage in our country.

I, therefore, Mr. Speaker, ask that Senator ERVIN's able address may follow immediately these words of introduction and I commend it to all of my colleagues and fellow countrymen:

SEPARATION OF POWERS AND FOREIGN AFFAIRS

(By SAM J. ERVIN, JR., U.S. Senator)

When the delegates to the Constitutional Convention gathered in Philadelphia in 1787 to draft a constitution for the new American republic, an almost universal determination prevailed among these delegates to circumscribe the authority of the Executive with respect to foreign affairs. The virtually limitless power of the English Crown over foreign affairs and its consequences were very much on the minds of these Americans.

To limit Executive authority over foreign affairs and over other matters delegated to the Federal government by the Constitution, the drafters devised and incorporated into the Constitution the principle of separation of powers. Recent developments in the field of foreign affairs notwithstanding, it is as clear as the noon day sun in a cloudless sky that the Constitution divides the national government's powers in the field of foreign affairs between the Congress and the President, granting to neither such exclusive control over foreign affairs that one can be effective without cooperation from the other.

Unfortunately there are those persons, both in government and in academia, who have so little regard for the principle of separation of powers as to embrace the notion that the so-called "realities" of modern international relations require almost exclusive Executive control over foreign policy. They contend that arbitrary Executive control of America's foreign affairs is the price of survival in this uncertain, nuclear age. While I agree that the political, economic and technological changes over the last fifty years necessitate changes in the institutions and processes by which our foreign policy is formulated and implemented, I do not agree that we are required to abandon constitutional principles, especially the principle of separation of powers, which have served us so well throughout our history. Our constitutional form of government was designed not only to make government feasible and practical but also to guard against the historic temptation and irresistible urge of those who govern to gather and use limitless power over the governed.

In general, it is my opinion that the primary responsibility for the determination of substantive foreign policy rests with the Congress and that the President is under a duty to administer that policy within the framework established by the Congress. According to my reading of the Constitution and constitutional history, the President's role in foreign affairs is primarily representative and instrumental. There is not one syllable in the Constitution and not one word of verified historical evidence to support the view that the President has broad discretion to act without the collaboration and consent of the Congress in foreign affairs.

The document drafted and ratified as our fundamental instrument of government by these freedom-loving Americans demonstrates conclusively, if not always quite exactly, that the Congress was intended to have significant and sometimes singular powers with respect to the foreign affairs of the national government. Article I gives to the Congress the power "to regulate Commerce with foreign nations," historically the basis for American foreign policy. It allocates to Congress the power to "provide for the common Defence," "to declare war," "to raise and support Armies," "to provide and maintain a Navy," "to make Rules for the Government and Regulation of the land and naval Forces," and other powers directly related to the making of foreign policy and the conduct of foreign affairs.

Furthermore, in granting to Congress "all legislative Powers" and the power over appropriations, the Constitution places in the collective hands of Congress such enormous power as to make the effective creation and implementation of American foreign policy absolutely impossible without congressional cooperation or, at least, acquiesence.

By contrast, the enumerated powers of the President with respect to foreign affairs, set forth in Article II, are few and not as comprehensive, at least on their face. According to Article II, the President is "Commander in Chief of the Army and Navy of the United States." He is also therein granted the power—with Advice and Consent of the Senate—to make Treaties and to appoint Ambassadors and he is authorized to "receive Ambassadors and other public Ministers." He has the duty to see that the laws are faithfully executed and commands whatever other powers may result from the vesting of "executive Power" in the Presidency.

Despite the documented desire of the Founding Fathers to prevent Executive autonomy over foreign affairs and the Constitution's generous grants of power to the Legislative branch in this field, developments over the past thirty to forty years have caused many students of American constitutional and political history to doubt that Congress can or should significantly participate in the development, establishment and implementation of American foreign policy. Many citizens have come to believe that, quite simply, American foreign relations are within the domain of the President.

While I agree that the Congress has in fact not exercised effectively its considerable powers with respect to foreign affairs, I certainly do not agree with the proposition that Executive hegemony over the conduct of America's relations with the rest of the world is either necessary for the effective conduct of foreign affairs or an inevitable result of changing historical circumstances to be accepted despite clear constitutional principles to the contrary. Indeed, I share the strongly-held view of the Founding Fathers that, in the area of foreign affairs more than any other, the principle of the separation of powers as incorporated in the Constitution is essential to the maintenance of our republican form of government. When the Legislative Branch ceases and desists from responsibly and effectively exercising its constitutional powers with respect to foreign affairs, the Republic will come to an end.

For Congress to reassert its proper role as a full and equal partner in the area of foreign affairs, Congress and the public must come to appreciate what has caused the erosion of legislative effectiveness in this field. Unless we know the nature of the disease, we cannot possibly find the proper cure.

One of the problems which Congress has always confronted in exercising its authority with respect to foreign affairs is the nature of foreign affairs itself and the consequential impact of the Constitution's division of foreign affairs powers. With respect to foreign affairs, the Constitution has divided between the Legislative and Executive Branches what is almost an indivisible process. Congressional power to declare war and the President's powers as "Commander-In-Chief," for instance, affect each other so directly that it is impossible for either Branch to exercise these powers effectively absent the active cooperation or passive acquiescence of the other. And, without Congressional willingness to appropriate funds necessary to implement the nation's established foreign policy—designed with or without Congressional consultation—no policy can be made effective. Thus, what the Congress and the President can and cannot constitutionally do in foreign affairs has been in issue since George Washington's presidency, in part, because of the practical indivisibility of the national government's power over foreign affairs.

Another problem in asserting Congressional prerogatives in this area is the somewhat vague and incomplete constitutional language with respect to the granting and separating of foreign affairs powers. If one adopted a very narrow interpretation of the constitutional language enumerating foreign affairs powers to the Congress and the President, there would be many decision-making processes and functions necessary to the conduct of a nation's foreign policy granted to neither the Congress nor the President. And, while the theory of inherent, sovereign power may well supply a reasonable basis for describing that total scope of the national government's foreign affairs power, such a theory offers no assistance in determining whether these unenumerated, inherent functions and processes belong to the Congress or to the President.

The Constitution vests all "legislative powers" in the Congress and all "executive powers" in the President, but this division is inadequate by itself to determine which of the two branches has exclusive or concurrent authority with respect to a particular foreign affairs function not expressly provided for in the Constitution. Even where the Constitution is explicit in granting one branch a foreign affairs power, confusion and conflict have arisen when the other branch asserts a reasonable claim to a related, unenumerated power. This particular difficulty has been manifested in the use of armed force by the President in circumstances "less than war," while only the Congress has the power to declare a war. A distinguished constitutional scholar has observed, "That in foreign relations the division of power was irregular and uncertain has made it the more susceptible to shaping, even distortion, by evolving institutions and by the realities of foreign relations for an expanding, transforming country in a changing world." (Henkin, p. 35).

Yet another difficulty in determining the precise lines of authority between the Congress and the President has resulted from Congressional delegation of vast authority over foreign affairs to the President during the last several decades. Generally, Congress has not only the right but a constitutional duty to set standards for the exercise of delegated authority and can withdraw such authority at any time. In the area of foreign affairs, however, these delegations of power to the President have usually been made with minimum, if any, standards and Presidential execution of these delegated powers is rarely reviewed . . . One scholar has written, ". . . from the beginning, reluctant Congresses have felt compelled to delegate to Presidents the largest discretion with minimal guidelines to carry out the most general legislative policy." (Pusey, p. 119). In my opinion this practice of handing over to the President Congressional power over foreign affairs without understandable and effective guidelines and effective Congressional oversight has not only clouded the constitutional issue of separation of powers but has seriously undermined Congressional capacity to participate effectively in the making of foreign policy.

As a result of these dilemmas in analyzing the words of the Constitution with respect to

the foreign affairs powers of the national government and as a consequence of other, important economic and political developments since the founding of our Republic, the constitutional law of foreign affairs has become more and more confused and the Presidency more and more powerful in this fiield of the law. Despite the uncontested and vast Congresisonal powers relating to foreign affairs, the Senate Foreign Relations Committee concluded in 1967 that, "The concentration in the hands of the President of virtually unlimited authority over matters of war and peace has all but removed the limits to executive power in the most important single area of our national life. Until they are restored the American people will be threatened with tyranny or disaster." (Senate Report No. 797, "National Commitments," Foreign Relations Committee, 90th Cong. 1st Sess. Nov. 20, 1967, pp. 26–27).

The present-day ascendancy of Presidential power over foreign affairs was clearly not intended by the Founding Fathers, has no constitutional basis, and threatens greatly the capacity of the national government to formulate and execute a foreign policy which truly represents the best interests of our people. Those wise men who drafted the Constitution clearly intended for the foreign policy of the United States to be determined primarily by Congress—a traditional "legislative function."

Theories devised to justify comprehensive Executive authority over foreign affairs understandably do not rely on the words of the Constitution which, in the words of Professor Edward Corwin, do no more than ". . . confer on the President certain powers capable of affecting our foreign relations, and certain other powers of the same general kind on the Senate, and still other such powers on Congress . . ." (Corwin, p. 171).

We cannot look to the third Branch, the Judiciary, for a revitalization of the doctrine of separation of powers in the field of foreign affairs. Since the adoption of our Constitution, the Supreme Court has had very few occasions to interpret and apply the separation of powers doctrine with respect to foreign affairs. The opinion written by Mr. Justice Sutherland in the 1936 case of *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304—the most celebrated Supreme Court decision in this area—confounds more than clarifies. Justice Sutherland's statement that, "The investment of the federal government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution," 229 U.S. 304(315), signals great confusion as to understanding the Constitution's division of these foreign affairs powers between the Executive and Legislative Branches. The judicial concept of justiciability and the ultimate political nature of this problem will no doubt continue to preclude the courts from offering effective or definitive answers to the questions which must be met.

The restoration of separation of powers in the area of foreign affairs rests directly on the shoulders of Congress. This great principle of government can be revived only if and when the Congress asserts its rightful authority in formulating, implementing, and reviewing the foreign policy of the United States.

There is reason to believe that the Legislative Branch is awakening to its constitutional duties and its opportunities in foreign affairs. In recent years, a considerable number of bills have been introduced in the Congress to correct the present imbalance of power between the two branches. While I do not subscribe to each of these legislative proposals, I do sense that their introduction and the broad support they receive means an intensified Congressional determination that the Legislative Branch assume its proper and constitutional role in foreign affairs.

One particular abuse of Executive power in the area of foreign affairs with which I have been especially concerned as Chairman of the Senate Subcommittee on Separaiton of Powers is the use of so-called "executive agreements" to circumvent the treaty-making provisions of the Constitution. Article II, Section 2, of the Constitution states, that the President ". . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." The Senate is thereby given at least a "veto" over commitments made by this country pursuant to a treaty with another country. On the other hand, the Constitution does not expressly grant to the President any power to enter executive agreements.

There is no mention whatever of the term "executive agreement" in the Constitution and there is no accepted definition of what constitutes an "executive agreement."

The legal basis for the use of executive agreements is unclear at best, and most frequently has been grounded on the argument of "usage"—a legal justification that is not entirely satisfactory. As I have often noted in various other contexts, murder and rape have been with us since the dawn of human history, but that fact does not make rape legal or murder meritorious. In effect, reliance on "usage" in this instance grounds concepts of constitutionality on acquiescence rather than on the written document, and is, to my mind, wholly unacceptable. It always has been my view that the Constitution means what it says. Moreover, I am not impressed with the recitation of so-called precedents to support de facto constitutional amendments. Even 200 years cannot make constitutional what the Constitution declares is unconstitutional.

There has been a considerable, and in my opinion unfortunate, increase in the use of "executive agreements" as an instrument of American foreign policy in the past few decades. As recently as 1930, the United States concluded 25 treaties and only nine executive agreements. In 1968, the United States concluded 16 treaties and 266 executive agreements. By January 1, 1972, the United States had a total of 947 treaties and 4,359 executive agreements. These figures indicate that significant decisions affecting American foreign policy are being made by the Executive Branch without effective Congressional participation in the decision-making process. The executive agreement may be a legitimate method for the President to carry out foreign policy established jointly by the President and the Congress. The extensive use made of this instrument in recent years, however, demonstrates that it is not only being used for administrative convenience but, intended or not, has the effect of circumventing the Congress as an equal partner in making foreign policy.

In an effort to reduce the trend of bypassing the Congress in the making of international agreements and to implement the spirit of Article II, Section 2 of the Constitution, I have introduced legislation which would provide for Congressional review of executive agreements. The bill, S. 1472, is simple in its terms. It recognizes that the Founding Fathers' concept of shared powers in the area of international agreements has been substantially eroded by the use of so-called executive agreements. In plain language, the measure defines "executive agreements" and requires that the Secretary of State shall transmit each such agreement to both Houses of Congress. If, in the opinion of the President, the disclosure of any such agreement would be prejudicial to the security of the United States, the bill provides that it shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy. Under this injunction of secrecy, only the Members of both Houses of the Congress shall be permitted to inspect the document.

The bill further provides that each executive agreement transmitted to the Congress shall come into force and be made effective after 60 days—or later if the agreement so provides—unless both Houses pass a concurrent resolution expressing disapproval of the executive agreement between the date it is transmitted to the Congress and the end of a 60-day period. In other words, the Congress, in its shared-power role, will have an opportunity to state that it does not approve of an executive agreement during the 60-day period after the agreement is transmitted to the Congress.

It appears to me that the Executive Branch of the Government would welcome a method whereby the Congress would share the responsibility for making international agreements which affect the international image of our Nation and its people, the allocation of our tax resources, and, in many instances, impinge upon the possibilities of achieving peace in the world.

What the Congress does in response to excessive Executive power over foreign affairs, in the case of "executive agreements" and with respect to many other matters, will in great measure determine whether the Constitution's intended division of power between the Executive and Legislative Branch in this field will survive. The Constitution has expressly given great authority in the area of foreign affairs to the Congress. There can be little doubt that it gives to Congress the primary responsibility for the determination of substantive foreign policy. It is the very special duty of Congress, mandated by the Constitution's unenumerated and implied Congressional powers over foreign affairs, to make certain that our nation's foreign policy is responsive to the wishes of the people. In a democratic society, no policy—especially foreign policy—can long survive without the consent and support of the people.

Thus, Congress possesses not only the constitutional basis for asserting a vigorous role in the development and implementation of American foreign policy, but also carries a sacred constitutional duty to insure that the fundamental notion of separation of powers remains a vital and effective principle in the exercise of the national government's awesome powers in the field of foreign affairs.

ADDRESS OF MAYOR MAURICE FERRE

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

Mr. PEPPER. Mr. Speaker, on July 13, 1973, the Cuban Rotary Club of Greater Miami gave a testimonial dinner to the then mayor of Miami, Hon. Maurice Ferre. There was a large and enthusiastic audience who joined in testimonial to Mayor Ferre on this occasion. Mayor Ferre responded with a very learned and eloquent address pointing out how in Dade County, Fla., two of the great cultures of the world, Spanish and English, have converged and thus enriched the whole life of the entire area. Mayor Ferre's able address gave a fascinating recital of how the Spanish culture was the first of European character to be established on this continent and how from the time when Ponce de Leon discovered Florida in 1512 until the present day it has been a rich and most meaningful part of American life. Mayor Ferre emphasizes how both those of Spanish and

English descent loved freedom and how we jointly are determined that freedom shall again be restored to the island of Cuba. Mr. Speaker, I include this eloquent address of Mayor Ferre in the RECORD:

ADDRESS OF MAYOR MAURICE FERRE

It is, historically, justifiable for this part of the world to feel the pressures and joys of two great dual cultures—Spanish and English.

As we all know, it was Juan Ponce de Leon who discovered the peninsula of Florida. Don Fernando, the Catholic King of Spain, gave Ponce de Leon the title of "Adelantado", and permission to discover that portion of the world then called Bimini. In the Official Register in the Archives of Seville is registered this grant. Aboard the vessel "Santa Maria de la Consolacion" and the vessel "Santiago", Ponce de Leon discovered, on the 2nd day of April, of the year 1512, the peninsula of Florida.

In the log of the vessel, "Consolacion", Ponce de Leon explained that he named what he then thought was the island of Florida. It is commonly thought our peninsula was so named because there were many flowers here, but the true reason was rather, because it was discovered in Easter, and in Spanish, this is referred to as "Pascua Florida". So, as was the custom of the time, the new discovery was named in the name of and to the glory of God. Listen to the names of the people in the ship's registry, who first claimed to have set foot on the American mainland:

Juan Bono, Pedro Bello, Bartolome Rodriguez, Jorge Castro, Francisco Dominguez, Lope Lopez, Gaspar Fernandez, Diego Bermudez, Gonzalo Nunez, Juan de la Rosa, Juan Rodriguez de Palos, and so on and on. You could probably find these same names today in the Miami Telephone Directory. And so the "Western History" of Florida begins by the discovery of it in the name of Spain and for the Glory of God, by the Governor of Puerto Rico, who sailed from Cuba. Spanish names have been part of the history of Florida from then on, in St. Augustine, in Key West, in Tampa, and now in Miami. It was to Florida, where for a while, the great father of the Cuban nation, Jose Marti, fled in exile to gather his strength and his thoughts for the final day of deliverance of the Cuban nation. Today, that beautiful and valiant island finds itself in chains.

It is the fervent wish of any freedom-loving individual in this community to see once again the light of liberty and freedom shining brightly and clearly over Cuba. It is my fervent wish that we see this day of freedom in the very, very near future. Should this happen and should there be an exodus of Cubans back to their homeland, it would be a day of mixed emotions for Miami: a shared joy to see your daughters and sons of Cuba reclaim your homeland, and sadness also, because the exodus of so many Cuban friends from our midst would deprive this community of a vibrancy, both economic and civic, that would be sorely missed.

Since the hour is late, I would quickly like to make an analogy in some aspects of similarity between Cuba and Puerto Rico. We Puerto Ricans are indeed very proud of the economic and social resurgence of our homeland, the strength that we have achieved in a vibrant and dynamic democratic society. In our roots both islands are similar. It is for a significant reason that in 1895, Dr. Julio Henna, elected President of the Puerto Rican Section of the Partido Revolucionario Cubano, requested permission of the PRC to adopt the Cuban flag in reverse colors for Puerto Rico. In 1952, this was again accepted upon the establishment of the Commonwealth of Puerto Rico as the official flag of Puerto Rico. In between General Narciso Lopez in 1849 and Munoz Marin in 1952, our islands had the blessing of people like Jose Marti, Eugenio de Hostos and many other men dedicated to the freedom and well being of our Hispanic Caribbean world.

Cuba and Puerto Rico took two different paths at the turn of the century, one as a republic and the other first as a territory of the U.S. and then eventually as a Commonwealth, or as we in Spanish refer to it—Estado Libre Asociado de Puerto Rico (Free Associate State).

Fifty years later, both were prospering and growing economically and spiritually. Unfortunately, the cancer of international communism and its agent, Fidel Castro, blighted the once dynamic and prosperous Cuba. Now it finds itself in poverty and misery, without the ever important light of freedom.

But here, in Miami, several hundred miles away, live close to 400,000 daughters and sons of Cuba. They have become deeply involved in the affairs of this community. First in economic matters, subsequently in cultural and civic affairs and now in the political affairs of our community. And so while the homeland suffers from bondage, the spark of freedom and liberty lives on in the hearts and lives of nearly 400,000 Cuban people in our community. The Cuban language, culture and traditions live on in the hearts, minds and voices of its children in exile. Some day, some will return to their original homeland to add their experience learned in this great American nation to their own heritage, while others will remain on our shores to add their great contribution to the many others that have made the U.S.A. a great nation.

In the meantime, let the world recognize that here, 200 miles away from their homeland, live a dedicated people with dignity, a sense of honor, a sense of work, a sense of responsibility, winning all types of recognition in their newly adopted homes, from having the most Eagle Scouts in the troops, to the most distinguished medical sages scattered in the leading hospitals from Denver to Boston to Miami.

Let the world recognize that Free Cuba lives on in the hearts and souls of the exiled people of Cuba. That they can and do participate and add to the great democratic traditions of America, while they suffer in exile. And so a simile of Puerto Rico and Cuba: Puerto Ricans are people who can at the very same time be loyal to their homeland, Puerto Rico, and yet have the greatest respect, loyalty, devotion and dedication to the greatest nation that has ever existed in the history of mankind: the United States of America. That our loyalty, as citizens, to the American flag in no way makes us less Puerto Rican, yet our Puertoricanness makes us better Americans.

We will find the example in our midst, of many Cubans who no less loyal to their homeland, will become through the years, dedicated loyal American citizens. We of the Hispanic race, who feel so American in zeal and devotion, are a part of the Florida community. Let us together have faith in our culture and its ability to add to the great American experiment and let us dedicate ourselves, each in our sphere of work and influence, to make this a better and a greater country. With our faith in God and our belief in the Constitution of the United States of America, let us, hand in hand, strive to be an example that will shine in the annals of the history that is yet to be written of this great and ever growing nation of ours.

SECRETARY AND MRS. ROBERT T. STEVENS, 50TH ANNIVERSARY

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

Mr. DORN. Mr. Speaker, Secretary and Mrs. Robert T. Stevens celebrated their 50th wedding anniversary Saturday, October 6, at Plainfield, N.J. This was a memorable and delightful occasion. Friends of the Stevens representing a momentous era in American history gathered from throughout the Nation to pay respects to this charming and dedicated couple. The special occasion was hosted by the Stevens' sons, Robert Jr., Whitney, William and Thomas. Hundreds of people, from Washington and across the Nation, from all walks of life, helped to celebrate this joyous anniversary.

Mr. Speaker, Mr. Bob and his lovely Dorothy, in their 50 years together have reared a wonderful family, each of whom is successful in his own right. The Stevens family carry on in the great traditions of one of our Nation's oldest, most gifted and patriotic families.

Secretary Stevens has devoted much of his time and energy to public service. He served as a second lieutenant in World War I and as a colonel in the Quartermaster General's office in World War II. Secretary Stevens served the Nation with outstanding distinction under President Eisenhower as Secretary of the Army, 1953–55. Since 1921 Mr. Stevens has been associated with the great enterprise that bears his family's name, J. P. Stevens & Co. Inc. Now chairman of the executive committee, Secretary Stevens has served as chief executive officer of the company longer than any other man in the company's long and illustrious history.

Established in 1813, the Stevens Company has made contributions to our Nation's growth and national defense that have been unsurpassed. A great part of the company's 45,000 employees live and work in South Carolina, making J. P. Stevens our State's largest manufacturing employer.

Secretary Stevens, or Colonel Bob as he is known to many of his friends, is a man of firm allegiance to the highest standards of duty, honor and country. Beside him throughout these 50 years of his service to the Nation and to the textile industry has been his lovely, talented and devoted wife, the former Dorothy Goodwin Whitney. I am proud to include Secretary and Mrs. Stevens among my close friends and to hold Colonel Bob in highest respect as a gentleman, a patriot, and a statesman.

Mrs. Dorn and my constituents join me in wishing for Secretary and Mrs. Stevens many more years of happiness together, and many more years of service to the textile industry and to a grateful Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. ANDREWS of North Carolina (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BROYHILL of North Carolina (at

the request of Mr. GERALD R. FORD), for today, on account of death in family.

Mr. BURTON (at the request of Mr. O'NEILL), for today, on account of illness in 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. KEMP) and to revise and extend their remarks and include extraneous matter:)

Mr. HAMMERSCHMIDT, for 15 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. MILLER, for 5 minutes, today.

Mr. SYMMS, for 5 minutes, today.

Mr. KEATING, for 60 minutes, on October 16.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. STUDDS) and to revise and extend their remarks and include extraneous matter:)

Mr. OWENS, for 30 minutes, today.

Mr. FRASER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. GUNTER, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. DORN.

(The following Members (at the request of Mr. KEMP) and to include extraneous matter:)

Mr. NELSEN.

Mr. KETCHUM.

Mr. GOODLING in two instances.

Mr. SARASIN.

Mr. SYMMS.

Mr. HUNT.

Mr. RONCALLO of New York.

Mr. ZWACH.

Mr. HUBER.

Mr. ABDNOR in two instances.

Mr. DERWINSKI in two instances.

Mr. CARTER.

Mr. MIZELL in five instances.

Mr. SPENCE.

Mr. WYMAN in two instances.

Mr. HOSMER in three instances.

Mr. STEIGER of Wisconsin.

Mr. RAILSBACK.

Mr. REGULA.

Mr. KEMP in two instances.

(The following Members (at the request of Mr. STUDDS) and to include extraneous matter:)

Mr. MITCHELL of Maryland.

Mr. O'HARA.

Mrs. GRIFFITHS.

Mr. STOKES.

Mr. FRASER in five instances.

Mr. REES.

Mr. TEAGUE of Texas in six instances.

Mr. NATCHER.

Mr. HAMILTON.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. KOCH.

Mr. BRECKINRIDGE.

Mr. LEHMAN in three instances.

Mr. BURKE of Massachusetts.

Mr. ROGERS in five instances.

Mr. MEZVINSKY.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1864. An act to designate the Eagles Nest Wilderness, Arapaho, and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

S. 2300. An act to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

S. 2491. An act to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains; to the Committee on Agriculture.

S.J. Res. 158. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

S. Con. Res. 51. Concurrent resolution expressing the appreciation of Congress to Vietnam veterans on Veterans Days 1973; to the Committee on Veterans' Affairs.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities;

H.J. Res. 542. Joint resolution concerning the war powers of Congress and the President; and

H.J. Res. 727. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 11, 1973:

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes.

On October 12, 1973:

H.R. 8619. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, October 13, 1973, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1443. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

1444. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for June 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1445. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report for the month of August 1973, on the average number of passengers per day on board each train operated, and the ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1446. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provision of adequate funds for housing; to the Committee on Ways and Means.

1447. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on the committees which advise and consult with him or his designees in carrying out his functions under the Social Security Act, as amended, pursuant to section 1114(f) of the act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974 (Rept. No. 93-583). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 10265. A bill to provide for an audit by the General Accounting Office of the Federal Reserve Board, banks, and branches, to extend section 14(b) of the Federal Reserve Act, and to provide an additional $60 million for the construction of Federal Reserve bank branch buildings; with amendment (Rept. No. 93-585). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 8346. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate

nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings (Rept. No. 93–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 275. Concurrent resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests In and Policy Toward the Persian Gulf" (Rept. No. 93–579). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 278. Concurrent resolution authorizing the printing of additional copies of the joint committee print "Soviet Economic Prospects for the Seventies" (Rept. No. 93–580). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives" (Rept. No. 93–581). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States (Rept. No. 93–582). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 568. Resolution providing for printing of additional copies of Oversight Hearings entitled "Vocational Rehabilitation Services" (Rept. No. 93–577). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 184. Concurrent resolution to print as a House document the Constitution of the United States; with amendment (Rept. No. 93–578). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 2016 (Rept. No. 93–587). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 6477. A bill for the relief of Lucille de Saint Andre; with amendment (Rept. No. 93–584). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG (for herself, Mr. ADDABBO, Mr. BADILLO, Ms. CHISHOLM, Ms. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. EILBERG, Mr. HARRINGTON, Mr. HAWKINS, Mr. KOCH, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. SEIBERLING, Mr. STUDDS, Mr. CHARLES H. WILSON of California, and Mr. WON PAT):

H.R. 10882. A bill to amend chapter 17 of title 38, United States Code, to direct the Administrator of Veterans' Affairs to initiate and carry out a special psychiatric, psychological, and counseling program for veterans of the Vietnam era, especially former prisoners of war, and their dependents who are experiencing psychological problems as the result of the military service performed by such veterans; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of California (for himself and Mr. OBEY):

H.R. 10883. 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. BENNETT:

H.R. 10884. A bill to require all Federal contracts to be awarded to lowest qualified bidder; to the Committee on the Judiciary.

By Mr. BREAUX:

H.R. 10885. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. BREAUX (for himself, Mr. ANDREWS of North Dakota, Mrs. BOGGS, Mr. CHAPPELL, Mr. FINDLEY, Mr. KETCHUM, Mr. LITTON, Mr. MANN, Mr. MATHIS of Georgia, Mr. MEEDS, Mr. MEZVINSKY, Mr. NICHOLS, Mr. RONCALIO of Wyoming, Mr. STEELE, Mr. VIGORITO, Mr. WAGGONNER, and Mr. YATRON):

H.R. 10886. A bill to amend the Duck Stamp Act with respect to the treatment of moneys received from the sale of migratory-bird hunting stamps, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DENHOLM:

H.R. 10887. A bill to amend the Economic Stabilization Act of 1970, to exempt stabilization of the price of agricultural commodities and certain other items from its provisions; to the Committee on Banking and Currency.

By Mr. FULTON:

H.R. 10888. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oils; to the Committee on Ways and Means.

By Mr. GUNTER:

H.R. 10889. A bill to reform the conduct and financing of Federal election campaigns; to the Committee on House Administration.

By Mr. HUBER:

H.R. 10890. A bill to prevent the denial of Federal assistance to units of general local government which refuse to associate with other such units in certain "councils of government" and similar entities; to the Committee on Government Operations.

By Mr. KETCHUM (for himself and Mr. SISK):

H.R. 10891. A bill to provide for the sale of crude oil from the Naval Petroleum Reserve No. 1; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. BELL, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. CONTE, Mr. CRONIN, Mr. DE LUGO, Mr. EILBERG, Mr. WILLIAM D. FORD, Ms. HOLTZMAN, Mr. KETCHUM, Mr. LUJAN, Mr. MARTIN of North Carolina, Mr. MITCHELL of Maryland, Mr. MORGAN, Mr. NIX, Mr. WALDIE, and Mr. WARE):

H.R. 10892. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. KYROS (for himself, Mr. CHAPPELL, and Mr. STUBBLEFIELD):

H.R. 10893. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. McSPADDEN:

H.R. 10894. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. PETTIS:

H.R. 10895. A bill to amend section 601(d) of the Federal Aviation Act of 1958 to remove certain exemptions from safety standards requiring installation of emergency locator beacons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 10896. A bill to provide for amendment of the Jury Selection and Service Act of 1968, as amended, adding further definitions relating to jury selection by electronic data processing; to the Committee on the Judiciary.

H.R. 10897. A bill to provide for civil penalty and injunctive relief in the event of a discharge or threatened discharge of an employee for the reason of such employee's Federal jury service; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 10898. A bill to establish a contiguous fishery zone of the United States beyond its territorial seas at a distance of 200 miles or the length of the Continental Shelf, whichever is greater; to the Committee on Merchant Marine and Fisheries.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 10899. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide increased protection for consumers from shipment of unfit and adulterated food; to the Committee on Interstate and Foreign Commerce.

H.R. 10900. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS:

H.R. 10901. A bill to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes; to the Committee on Banking and Currency.

By Mr. STEPHENS (for himself, Mr. BROWN of California, Mr. CLAY, Mr. DELLUMS, Mr. BERGLAND, Mr. KYROS, Mr. WILLIAM D. FORD, Mr. ROONEY of Pennsylvania, Mr. YOUNG of Georgia, Mr. ROY, Mr. VIGORITO, Mr. PODELL, Mr. PICKLE, Mr. ROYBAL, Mr. BEVILL, Mrs. BOGGS, Mr. STARK, Mr. McSPADDEN, Mrs. BURKE of California, Mr. HELSTOSKI, Mr. STUBBLEFIELD, and Mr. SMITH of Iowa):

H.R. 10902. A bill to provide housing for persons in rural areas of the United States on an emergency basis and to amend title V of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. DULSKI (by request):

H.R. 10903. A bill to amend title 5, United States Code, to make level IV of the executive schedule applicable to the U.S. attorney for the Central District of California and to the U.S. attorney for the Northern District of Illinois; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 10904. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 10905. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, Rehabilitation Act of 1970 and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to establish an Addiction and Mental Health Administration wthin the Department of Health, Education, and Welfare; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself, Mr. WHITE, Mr. WON PAT, Mr. RYAN, Mr. CLAY, Mr. WRIGHT, Mr. SYMMS, Mr. MORGAN, Mr. CHARLES WILSON of Texas, Ms. MINK, Mr. BREAUX, Mr. ROSENTHAL, Mr. FAUNTROY, Mr. STEELMAN, Mr. CONTE, Mr. PREYER, Mr. METCALFE, Mr. JONES of Oklahoma, Mr. SHOUP, Mr. HUBER, Mr. ROONEY of Pennsylvania, Mr. SEIBERLING, Mr. MCCORMACK, Mr. DIGGS, and Mr. TOWELL of Nevada):

H.R. 10906. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts:

H.J. Res. 769. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. FULTON:

H.J. Res. 770. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. RHODES:

H.J. Res. 771. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. LEHMAN (for himself, Mr. BELL, Mr. HOWARD, Mr. MCKINNEY, Mr. STUDDS, Mr. VIGORITO, Mr. WILLIAMS, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WRIGHT, Mr. YATES, and Mr. YOUNG of Georgia):

H. Con. Res. 349. Concurrent resolution expressing the sense of the Congress with respect to the immediate delivery of certain aircraft and other equipment from the United States to Israel; to the Committee on Foreign Affairs.

By Mr. BADILLO:

H. Res. 595. Resolution concerning the protection of human rights in Chile, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MOAKLEY:

H. Res. 596. Resolution to express the sense of the House that there will be no action on the nomination for Vice President until such time as the President has complied with the final decision of the court system as it relates to the White House tapes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. WALDIE, Mr. LEGGETT, Mr. YOUNG of Georgia, Mrs. SCHROEDER, Mrs. BURKE of California, and Mr. REES):

H. Res. 597. Resolution: It is the sense of the House that there be no action on confirmation of the Vice President nominee until such time as the President has complied with the final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

316. The SPEAKER presented a memorial of the Legislature of the State of California, relative to anadromous fish conservation; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

313. The SPEAKER presented a petition of Jack Ladbury, Valley City, N. Dak., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

SENATE—*Friday, October 12, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

They that wait upon the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40: 41.

Help us O Lord, to run when we can, to walk when we ought, to wait when we must. Give us the wisdom to leave undone that for which we are not ready. Open our minds to discern Thy will and make us ready to do it. In everything, do through us only what is best for the United States and the advancement of Thy kingdom.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 12, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. KENNEDY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Thursday, October 11, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations, for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 45 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 727) making further continuing appropriations for the fiscal year 1974, and for other purposes.

The message further announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. KENNEDY).

NOMINATION OF A VICE PRESIDENT

Mr. HUGH SCOTT. Mr. President, I am aware that a motion is about to be made for a brief recess. I have asked for this time in order to make an announcement.

The White House announced a few minutes ago that the President will appear on television at 9 o'clock tonight and will at that time announce his nomination for the post of Vice President of the United States.

I should like to express the hope that Members of both parties in their respective conferences today would give most serious consideration to an early agreement on the procedures to be adopted, in order that we may expedite those procedures so that the nominee will not be required to wait in limbo pending an examination of purely procedural matters, since the House has already agreed on its own position.

I express this hope on my own behalf. I am aware of the responsibilities on both sides of the aisle, and I hope that this matter can be worked out during the current day.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, am I still recognized under the standing order?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is so recognized.

Mr. ROBERT C. BYRD. I thank the Chair. I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.