for not to exceed 15 minutes, and in the order stated: Mr. TAFT, Mr. DOMINICK, Mr. WEICKER, Mr. HUMPHREY, Mr. FULBRIGHT, Mr. GRIFFIN, Mr. ROBERT C. BYRD, Mr. MANSFIELD, and Mr. BENTSEN.

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

AUTHORITY FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY OR TUESDAY NEXT, AS THE CASE MAY BE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of Senators under the aforementioned order on next Monday or, in the alternative, next Tuesday, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

VACATING OF ORDER FOR PRO FORMA SESSION ON FRIDAY NEXT AND ORDER FOR ADJOURNMENT TO FRIDAY, NOVEMBER 9, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous order, providing for a pro forma session on Friday next, be vacated and that the Senate, when it completes its business today, stand in adjournment until Friday next at 11 a.m.

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

ORDER FOR RECOGNITION OF SENATORS ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the list of speakers previously entered for Monday or Tuesday of next week be recognized on Friday next, immediately after the two leaders or their designees have been recognized under the standing order.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday next, after the orders for the recognition of Senators have been completed, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene on Friday, November 9, 1973, at 11 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators TAFT, DOMINICK, WEICKER, HUMPHREY, FULBRIGHT, GRIFFIN, ROBERT C. BYRD, MANSFIELD, and BENTSEN; after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. President, I know of no business that will be transacted on Friday other than unanimous-consent measures which may have been cleared for action, with the possible exception of any conference reports which may at that time be ready to be called up.

In that regard, it may very well be that the conference report on the District of Columbia home rule bill will be ready for Senate action in the event the House, which is required to act first on that conference report, has acted by that time.

Other than that, the Senate will be awaiting action on other conference reports, one of which it had been anticipated would be acted on by the House today and then, subsequent thereto, by the Senate, that being the Alaska pipeline conference report. It is the leadership's understanding now that that conference report will not be acted on by the House before Monday next.

Also, it is the leadership's understanding, after having entered into discussions with the leadership in the House, that the conference reports on the State-Justice appropriation bill and the HEW appropriation bill will likely be acted on early next week in the House. The House will have to act first. This would mean, then, that both of those conference reports could subsequently be taken up in the Senate and acted on early next week, and rollcalls would probably occur on one or both.

If the District of Columbia home rule conference report is acted on on Friday, I am in no position to say that there would be no yea-and-nay vote on that conference report, but I would hope not. I suppose we shall have to wait and see.

ADJOURNMENT TO FRIDAY AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Friday next.

The motion was agreed to, and at 6:08 p.m., the Senate adjourned until Friday, November 9, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 1973:

INTERSTATE COMMERCE COMMISSION

Charles L. Clapp, of Massachusetts to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1973, vice Chester M. Wiggin, Jr., deceased.

Charles L. Clapp, of Massachusetts, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1980. (Reappointment)

IN THE NAVY

Vice Adm. Means Johnston, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

WITHDRAWAL

Executive nomination withdrawn from the Senate November 7, 1973:

DIPLOMATIC AND FOREIGN SERVICE

Joseph S. Farland, of West Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, to Western Samoa, and to the Kingdom of Tonga, which was sent to the Senate on October 11, 1973.

HOUSE OF REPRESENTATIVES—*Wednesday, November 7, 1973*

The House met at 12 o'clock noon.

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

This is the word of the Lord—Not by might, nor by power, but by my spirit, saith the Lord of hosts.—Zechariah 4: 6.

Father of Mercies, in whose presence our restless souls find peace and by whose spirit we are led in right ways, in the tumult of a troubled world we turn to Thee that we may face our demanding duties with strong spirits, wise minds, and quiet hearts.

In this dear land we love and for which we pray, may we close our national ranks in a new unity of spirit and with a true greatness of heart, forgiving when we ought to forgive, being gracious when we ought to be gracious, and through it all ever be loyal to the royal within ourselves.

To this end keep us faithful to our tasks, true to Thee, and friendly to all.

In the spirit of Him who is the Light of the World, 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.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 562]

Annunzio	Edwards, Ala.	Sandman
Badillo	Ford,	Sebelius
Bell	William D.	Sikes
Biaggi	Hébert	Skubitz
Blatnik	Holifield	St Germain
Burke, Calif.	Jones, Tenn.	Stanton,
Chisholm	Lott	James V.
Clark	Mahon	Steiger, Wis.
Clay	Mills, Ark.	Teague, Tex.
Conyers	Moss	Wilson,
Coughlin	Murphy, Ill.	Charles H.,
Daniels,	Nichols	Calif.
Dominick V.	O'Hara	Wilson,
Davis, Wis.	Patman	Charles, Tex.
Dellums	Reid	
Diggs	Ruppe	

The SPEAKER. On this rollcall 393 Members have recorded their presence by electronic device, a quorum.

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

WAR POWERS RESOLUTION—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on House Joint Resolution 542, an act concerning the war powers of Congress and the President.

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

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI) for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

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

HEARING ON THE NOMINATION OF GERALD R. FORD

Mr. RODINO. Mr. Speaker, I am pleased to announce that at 10 a.m. on Thursday, November 15, the Committee on the Judiciary will begin public hearings on the nomination of GERALD R. FORD to be Vice President. Mr. FORD is scheduled to appear before the committee as its first witness on November 15 and November 16 and on November 19, if necessary.

The provisions of the 25th amendment charge the Congress with the high responsibility of confirming the President's nominee to fill this critical vacancy. In order to proceed expeditiously with the exercise of this responsibility, the committee intends to sit while the full House is in recess for the Thanksgiving holiday. It is my understanding that that recess will commence at the close of business on the 15th. The committee, however, will hear Mr. GERALD R. FORD for the full balance of that week and into the following week if necessary. The hearings will continue on Monday, November 19, Tuesday, November 20, and Wednesday, November 21, with the committee prepared to meet in evening session if circumstances dictate.

It is important for the committee to move forward with this matter and it intends to do so. We will move with dispatch, but only to the extent consistent with the thorough inquiry that the Constitution demands. To that end we will continue to give judicious consideration of Mr. FORD's qualifications and fitness to hold high office.

Any parties wishing to present testimony to the committee or to file a written statement with regard to the nomination should contact the Committee on the Judiciary at 2137 Rayburn House Office Building.

All hearings will be before the full committee in room 2141, Rayburn House Office Building.

Mr. ZABLOCKI. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the House of Representatives has the historic opportunity to reassert its constitutionally mandated obligation in the area of war powers.

The question whether to override the President's veto of the war powers resolution, House Joint Resolution 542, is a decision that requires thoughtful and soul-searching consideration by each Member.

The President's veto of this measure is disappointing. Particularly since the President recently 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 the Government."

If the President truly believed in such balance he would not have vetoed this resolution. Above all, he would not have offered the many unfounded assertions as he did in his veto message.

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

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

Mr. FINDLEY. Several Members have asked me if this resolution would have altered the authority of the President to act in the recent crisis in the Middle East. Let me illustrate their concern.

At one point, the Soviet Union was reported on the verge of sending troops into the area of hostilities. Some observers forecast that this might cause the President to send U.S. troops. This, of course, was a prospect that alarmed many citizens.

Would any part of this resolution give the President any authority whatever to send troops in such circumstances?

Mr. ZABLOCKI. The answer is an unequivocal "No."

The resolution does not directly or by implication authorize the President to employ, commit, or introduce U.S. Armed Forces into areas of hostilities. Section 8(d)(2) is clear in this matter. It is important to note, however, that by its provisions the resolution recognizes the President's power to respond to an emergency—to permit the President to deal with a crisis—as Commander in Chief to defend and act when our Nation's safety and security are endangered.

Specifically, during the recent Middle East crisis the President used his authority as Commander in Chief to order the Armed Forces to a higher level of alert than normal. The enlargement of the 6th Fleet in the Mediterranean and the relocation of some ships were intended to improve general readiness. All these actions on the part of the President would not be denied him under the resolution. Indeed only if the President had made the ultimate decision to introduce U.S. Armed Forces into hostilities in the Middle East would the termination provisions—within 60 days—of the resolution apply.

Mr. Speaker, it is not my intention at this time to again refute the misleading and specious assertions. That effort of setting the record straight was made by Chairman MORGAN and myself in a detailed reply sent to all Members on November 1, and inserted in the CONGRESSIONAL RECORD on November 2.

Further, and as you also know, Mr. Speaker, since the veto message numerous articles, editorials, and various statements have appeared in the RECORD and the media. Of particular significance, for example, was the November 2 Senate floor statement of the respected and distinguished senior Senator from Mississippi, the Honorable JOHN STENNIS, chairman of the Senate Armed Services Committee.

While urging a decisive override vote, Senator STENNIS made emphatically clear that the war powers resolution would not have hindered or impaired the President's flexibility to act decisively and convincingly in the current Mideast crisis.

In view of the discussions, debate, and comment on the war powers legislation there is no need for belaboring the issue at this time with lengthy speeches or further explanations.

The war powers resolution is purely and simply a legitimate effort by Congress to restore its rightful and responsible role under the Constitution. It is an honest and sincere expression of Congress desire to insure that the collective judgment of the Congress and the President will prevail in the awesome decision of sending Americans to war.

The issue is clear.

Do we in Congress believe in the Constitution?

Do we believe in the balance of powers intended by the Founding Fathers?

Do we in Congress believe in ourselves and in our oath of office?

Do we believe in the urgent necessity of restoring public confidence in government?

If our answers to these questions is the resounding "yes," it should and must be, then this House will vote overwhelmingly to override and thereby send to the White House a clear and unmistakable message that we are partners in the question of peace and war.

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

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

Mr. BROOMFIELD. Mr. Speaker, I urge the House to vote to override the President's veto of the war powers bill.

This historic legislation will, if enacted into law, reestablish once and for all the traditional warmaking responsibilities which the framers of the Constitution assigned to Congress 200 years ago.

I am deeply disappointed that the President saw fit to reject this measure. As a cosponsor of the war powers bill and as a member of the conference committee which hammered out a compromise between our version and the Senate's, I can assure you that this bill not only is constitutional, it is fair and practical as well.

The President claims that this bill would tie his hands in times of international crisis. He points to the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Jordanian crisis of 1970 and the still-smoldering Mideast problem as instances where swift and determined Presidential action would have been prevented by this measure.

Those arguments do an injustice to even the most cursory reading of the bill. The fact is the President would be allowed as he is today to respond to emergency situations, including the commitment of troops.

What is new is that he would have to report to Congress within 48 hours to explain the extent of the crisis and why he had to act without first consulting Congress.

In other words, if this bill were law during the flare-up in the Middle East last month, the President could have taken exactly the same course that he followed with such success.

I would think that any President of the United States would feel obligated to report to Congress in the event that he had to send our troops into combat. What, then is wrong with stipulating that this be done, not simply as a courtesy, but as a matter of law?

Ever since the dawn of the atomic age, it has been popular to suggest that Congress is outmoded and too disorganized to respond swiftly in times of national emergency.

Even Congress began to believe its critics and gradually abdicated its warmaking powers to the sole judgment of one individual, the President.

Then we professed to wash our hands of our constitutional duties.

In tampering with our time-proven system of shared warmaking responsibilities, we got off the tract and short-circuited the entire system.

Much of the polarization, the dissension and the downright frustration that this country suffered during the Vietnam conflict can be attributed to the fact that Congress was ignored by a series of Presidents and refused to assert itself.

The people looked to their elected Representatives to take a stand or to assist in the formulation of our foreign policy and they found that Congress was either unwilling or incapable of doing so.

This bill, if we vote to override today, will put an end to that nonsense once and for all.

Critics of the bill charge that it will shackle the President, or destroy his mobility and independence in times of national emergency.

That, Mr. Speaker, is not true.

In fact, this bill brings us back to the Constitution, it brings us back to the basic principles of joint warmaking powers that have stood us in good stead for 200 years.

This joint partnership between the President and the Congress in times of war traditionally has been our greatest strength. It was that unique partnership which cemented our national unity in times of war. It was the bankruptcy of this shared responsibility which cast the first doubts during the Vietnam conflict and generated the domestic division which still plagues us.

That is why it is so vitally important that any long-term military engagement, in this case in excess of 60 days, must receive the approval of Congress to continue.

Mr. Speaker, in the second half of the 20th century Congress cannot afford to continue to default its constitutional duties to the Executive. It is time to turn the tide, to balance the scales of responsibilities. Commonsense and the American people demand it.

Giving Congress an equal voice in the forging and direction of American warmaking policies is not just another new-fangled idea. It is an idea that has worked in the past but has been ignored in the present. We have a chance to dust it off and put it back into use by overriding the President's veto.

Mr. Speaker, the war powers bill, if enacted, will define more clearly than at any time since the signing of the Constitution the obligations and duties of Congress and the President in times of war.

I hope the House will not let this historic opportunity slip through its fingers. I urge my colleagues to vote to override.

Mr. ZABLOCKI. Mr. Speaker, I yield 30 minutes' time, for the purpose of debate only, to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, my remarks today will be brief. We have all heard the arguments, pro and con, offered with regard to this war powers resolution.

But I would be remiss if I did not emphasize in the strongest terms possible that the resolution as modified in conference, still includes the section that would permit the Congress—through its failure to act—to force the President to halt the use of our Armed Forces. I do not believe we as elected Members of the Congress can meet our responsibility on the issue of war and peace unless we are willing to insist that this legislation provide for the Congress to either approve or disapprove the President's action.

I am also concerned over the apparent ambiguity of this legislation. The point has been made in the debate that this resolution would, in fact, give the President statutory authority—that he does not now have—to take the country to war for at least 60 days without congressional approval. If this is correct, then the legislation is a definite expansion of the President's warmaking authority. Yet, others have emphasized the restriction the resolution would place upon the President. Obviously, the legislation is inconsistent and ambiguous. Who knows what it really means?

In my opinion the principal objectives of this resolution can be accomplished only through a constitutional amendment. The war powers resolution itself should be limited to the reporting and consulting provisions.

I believe we should sustain the veto of House Joint Resolution 542, and then move forward with the constitutional amendment needed to create a more reasonable balance between the Congress and the President in the exercise of the war powers.

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

Mr. WHALEN. Mr. Speaker, I rise in support of overriding the President's veto of House Joint Resolution 542.

In presenting my views concerning this legislation, I would like to comment on two points.

First, you may recall that when this measure was originally considered on the House floor, I offered an amendment to require a "yes" or "no" vote when the President commits troops to hostile action. Despite the defeat of this amendment, I supported House Joint Resolution 542 on final passage and voted affirmatively for the conference report. I did so because I am convinced that this measure, as written, practically guarantees that a vote will be taken. Since time precludes my putting my reasons for this conclusion, I incorporated them in a colleague letter which you received this morning.

Second, I am disturbed by the reasoning which states that this resolution grants the President certain rights which he does not now possess. This is a fiction. This resolution extends to the President no powers which he has not already assumed. I repeat—this resolution extends to the President no powers which he has already assumed. In no instance in our Nation's history has assumption of war powers by the President been declared unconstitutional. What House Joint Resolution 542 does is to establish procedures to be followed both by the executive and legislative branches in instances when troops, without a declaration of war, are committed to hostile action.

I hope that my colleagues will join me in voting to override the President's veto of House Joint Resolution 542.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. ZABLOCKI) for yielding this time to me.

Mr. Speaker, this is the fourth year in which we have discussed and debated this very important issue. We have reached a point where both Houses have, by an overwhelming majority, approved this bill.

We have known all along, in terms of the Executive, that in all probability, no matter who the Executive was, we would have a difficult time in obtaining Executive agreement to this type of legislation. So we are today faced with a veto by the President.

First, let me say to those who argue

that this bill gives the President power he does not now have, that from a pragmatic view, I doubt that the Executive would have vetoed a measure—and I am speaking of any Executive—which would have in any way added to his claim for constitutional authority to act. Be that as it may, I do think it is extremely vital that we write into the law of this country a consensus arrived at by representatives of the people on institutionalizing those matters which are in this bill. All of which seeks to reestablish, reassert, and reaffirm the necessity for the Congress to act in the vital decisions that would affect our country as to peace or war.

Mr. Speaker, I do not want to rehash all the legal arguments. I will restate only one fundamental principle, namely, that we cannot in any way, even though some say it might be desirable to do so, in which we can by law or legislation amend the Constitution.

There has been a great deal of serious thought and effort given to this whole issue. We have had ample discussion in depth on the matter. What it boils down to really is whether we are going to lay down the guidelines for the future of this country at this point and declare firmly that the Congress of the United States insists on being involved directly at the beginning and even ahead of time, if that is at all possible, in those vital decisions which no one man should make by himself, even if he is President of the United States.

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

Mr. GREEN of Pennsylvania. Mr. Speaker, I have twice voted against House Joint Resolution 542, the so-called war powers bill recently vetoed by President Nixon. Since this resolution has popularly been interpreted as limiting the President's power to engage our troops in a war, and because of my consistent record in opposition to such unilateral Presidential action, I wish to explain my votes. I believe a careful reading of the bill indicates that, despite Presidential and some press interpretations, it is actually an expansion of Presidential warmaking power, rather than a limitation.

In its important specifics, the bill interprets the Constitution as permitting the President to engage troops when there is an attack upon the United States, its territories or possessions, or its Armed Forces. Second, it permits a commitment of U.S. forces into hostilities for 60 days, unless the Congress directs earlier termination by concurrent resolution. Indeed, it is only after, not before, such a commitment that the President is required to report his actions to the Congress. The 60-day period may be extended for an additional 30 days upon Presidential certification that unavoidable military necessity so requires. Finally, the resolution clearly states that nothing in the bill is intended to alter the constitutional authority of the Congress or the President.

It should be noted, first, that the Congress, in the language of its definition of the President's powers, is interpreting the Constitution. Of course, the Executive could interpret the Constitution differently. Indeed, the bill's expressed intent not to alter constitutional authorities could be read to invite a broader Presidential interpretation of his war making power. Thus, the net result could be absolutely no legislative constraint on the Presdent's claims to constitutional warmaking authority.

Furthermore, as a practical matter, authorization of Presidential action in cases of attack on the United States, its territories or Armed Forces is both too broad and too narrow. It is too broad, because it would justify the Gulf of Tonkin reprisal raids and all they led to, without advance congressional participation in the decision. It is too narrow, because it would not extend to imminent or potentially imminent attacks on U.S. cities. Therefore, response in emergency situations, such as the Cuban missile crisis, would apparently not be permitted.

Furthermore, the bill employs a concurrent resolution as the device enabling Congress to unilaterally terminate any Presidential action taken prior to the 60-day limit. It does so because a concurrent resolution is not subject to a Presidential veto. Legally, this mechanism can only be used to veto Presidential action taken pursuant to a congressional delegation of power. Congress, in effect, takes back part of that which it delegated. In all other cases, the President must have the opportunity to veto congressional legislation. Thus, it is my contention that the Congress, by employing this mechanism, is enabling the President for 60 days to make use not of his own power to make war, but the Congress. I believe it is most unwise for Congress to delegate its war power in this manner.

This bill then would put a 60 to 90 day congressional "stamp of approval" on such questionable Presidential military actions as the 1970 Cambodia invasion. I believe that such unilateral Presidential action should not be so lightly authorized. The war powers granted the President are not conditioned upon an emergency that precludes prior congressional approval, or even the allegation that such an emergency exists. It merely authorizes the President to initiate a war, provided he reports to Congress within 48 hours. The report may even be unverified. The Congress would, no doubt, be under the pressure of the public's sincere patriotic passions, aroused by the President's announcement of his military action and the "dastardly deeds" justifying it. This is the Gulf of Tonkin and Cambodia revisited—and legitimatized. I am opposed to that.

Unfortunately, many have portrayed the upcoming vote on the President's veto as one part of the ongoing power struggle between the Congress and the President over war powers. In the heat of this confrontation, the merits of the war powers bill have been overshadowed. It has been too easily presumed that, because the intentions were good, the conclusions reached were wise. I believe Congress must seek solutions that do justice to good motivations, and this bill fails that test.

I want to emphasize that my vote to sustain the President's veto will not be an endorsement of his veto message, which I believe has simply added to the confusion.

If the Congress cannot define the President's constitutional war powers, and it cannot; and if it is unwise to grant congressional warmaking power to the President, and it is, then what can Congress do? First, it can defeat Gulf of Tonkin resolutions. Second, it can muster the courage to cut all funding for military action taken by the President with which it disagrees. Third, it can impeach a President who usurps congressional warmaking power.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, everybody, whether they are on one side of this issue or the other, wants to maintain the peace now and in the future, but whether we can or cannot may depend upon whether we sustain this veto or not.

In these last 10 days or 2 weeks we have had a very serious crisis in the Middle East, probably more serious than what has appeared in the news media, but the President, without this kind of legislation, was able to avoid a military conflict. He was able to work out with the parties directly concerned and the Soviet Union, that had an interest, a way so that instead of the fighting that we had had for a period of time, we now have a very tenuous cease-fire. That was accomplished and achieved without this legislation.

We are not out of the woods yet. We may be a long ways from being out of the woods. I am very, very concerned that the approval of this legislation over the President's veto could affect the President's capability to move forward from the cease-fire and to achieve a permanent peace, and his credibility to work with the Arabs on the one hand, and the Israeli on the other, and also with the Soviet Union. This legislation has a potential of disaster for us at this juncture to take away from the President in any way the backing of the Congress as he works day and night with the Secretary of State to move forward down the road of permanent peace in the Middle East.

One other point, Mr. Speaker: The President indicated in a telegram to me several months ago when we were discussing this bill in the first instance, that although he could not accept the kind of legislation that is before us, that he does want to work with the Congress in the designing and approval of a constructive war powers bill, one where there is a closer working relationship and a partnership between the President, the Commander in Chief, on the one hand, and the Congress on the other.

We cannot deny that this bill does not really fashion a partnership. It makes us, the Congress, a partner by inaction. If the Congress wants to assume a role that is essential for that partnership, we have to redesign this legislation.

Mr. Speaker, I urge that we sustain the President's veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker,

I should like to ask two questions of the distinguished minority leader, the gentleman from Michigan. First, could not the President do exactly what he did, in calling the alert in the Middle East crisis, even if this war powers legislation were on the books?

Second, assuming that the President felt he had to order combat troops into the Middle East, would the minority leader want the President to be allowed to keep our combat troops in the Middle East against the will of the American people as reflected by the wishes of the Congress of the United States?

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

Mr. LONG of Maryland. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. In the first place, it is crystal clear that the President had no intention of sending American troops there, and he has no intention today.

Mr. LONG of Maryland. Then why object to this?

Mr. GERALD R. FORD. The point I was trying to make is that we achieved a cease-fire in a very difficult time without being handicapped by this kind of legislation, so why change the power and authority of the President when the other procedure worked?

Mr. LONG of Maryland. Because this bill is aimed at all kinds of problems beyond this particular case.

The SPEAKER. The time of the gentleman has expired.

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

Mr. HANLEY. Mr. Speaker, today's vote on the war powers veto could conceivably prove the most important vote in the entire 93d Congress. In my judgment it is unfortunate that the President vetoed the bill, thus making today's action necessary.

Motivation for the bill stems from the controversial Vietnam war which unfortunately divided the American people, which in turn and justifiably so produced overwhelming public demand that the Congress reassert itself in the all-important matter of war and peace.

I must remind that Presidential personality is not at all involved in this consideration, regardless of who the President might be. It is not even a part of the issue.

In the event of emergency, the President is not restricted from taking the initiative. What possibly could be wrong with the requirement that within 60 days be provided the Congress, as representatives of the people, with the rationale for his action, which in turn would consider its merit. I strongly urge the Congress to fulfill its responsibility to the people and vote to override this veto.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, few in this Chamber have a higher record of support for the President than I, and if this were a vote of confidence of President Nixon's handling of international affairs, I would vote to sustain this veto. If I could be sure that in our lifetime the White House would be occupied by a man who, like President Nixon, has demonstrated his ability to get us out of war rather than into it, perhaps I could vote to sustain this veto. Whatever else the history books may say, President Nixon shall be known as a great peacemaker.

Unfortunately, he will not be President after 1976. Unfortunately, history tells us that most rulers, whether they be called Presidents, kings, or princes, are better warmakers than peacemakers. It is the people who bleed and die, and what affects the lives of the people should be decided by representatives of the people.

I consider this the single most important vote I have faced in this Chamber.

I shall vote to override this veto as a matter of conscience and only wish that this bill were even stronger in protecting the American people from future wars.

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

Mr. SHUSTER. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Speaker, I rise in support of House Joint Resolution 542, the War Powers Act of 1973, and urge that it be passed, notwithstanding the objections of the President.

Mr. Speaker, I also want to express those sentiments that the gentleman has just expressed, and I think that more of us should make clear that our support for this bill is based entirely on the issues of the bill itself and has nothing whatsoever to do with extraneous matters before the public at the present time.

I voted for this legislation when it first was acted upon by the House and also voted for the conference report. This position is absolutely consistent with the position I took in the last election campaign, during which I stated my support for legislation of this very sort. Thus it is clear that my support of the war powers bill has nothing whatsoever to do with the current difficulties of the President.

My support of this resolution arose rather out of the urgent need that I see to clear up a vague area of constitutional law—the hazy distinctions between the role of the President as Commander in Chief and the role of the Congress in raising the Armed Forces and declaring war. This resolution sets the ground rules. It allows quick, unencumbered Presidential response to crisis situations, but mandates congressional concurrence within a reasonable period of time.

Frankly, I would have preferred a resolution requiring the Congress to have to act affirmatively to terminate a Presidentially ordered military commitment. To permit that termination to occur in the event of congressional inaction on the matter does tempt parliamentary obstructionism. Yet, in spite of all the criticism aimed at the Congress—justified, allowing itself to act by inaction.

I urge my colleagues to support the war powers resolution, not in a reaction to the tumult of today, but as a method of dealing with situations that may arise 5, 10, or 50 years down the road.

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

Mr. STRATTON. Mr. Speaker, this is probably the most difficult time for us to debate a measure of this significance, because what is involved here is not what we may happen to think of Richard Nixon or the Watergate or the special prosecutor, or what took place in the events of a week or so ago. We are passing legislation here that is going to have an effect on future Presidents of the United States and on future problems that may confront us around the world. So we ought to be thinking about them and not about the immediate occupant of the White House.

Mr. Speaker, I think we ought to vote to sustain this veto because this legislation shows how foolish it is to try to write into legislation words that will anticipate every conceivable situation that might occur in the future. The fact of the matter is that this legislation, had it been on the books, would really have had no bearing whatsoever on the developments that took place in the Middle East just a few days ago. I fully supported the President's efforts, and I have in fact been pushing for a long time for aid to Israel. But there are people who have written to me, as I am sure to other Members, and said: "Don't send any weapons over there; we do not want to get mixed up in another Vietnam."

American planes have been flying into Israel and American war materiel has been landed there and American technicians are on the ground unloading that materiel, and yet this bill would not have prevented that situation any more than it would prevent the President of the United States from pushing the nuclear button any time he might want to push it.

Yet it is also true that the wording of this language could seriously hamper some future President of the United States in a very difficult situation. It could destroy the credibility of the President of the United States. For example, it would have impaired President Kennedy when he threatened to invade Cuba unless Khrushchev would pull back his missiles from Cuba. And it would surely have prevented Franklin Roosevelt from sending out destroyers like the *Greer* into the North Atlantic before this country was actually at war in order to back up our Atlantic allies in their struggle against the Nazi tyranny.

These are the kinds of limiting, damaging restrictions we might well be placing on some new President, yes on even some Democratic President, and I think we ought not to enact ill-thought-out limitation of this sort on the ability of our country to defend itself successfully, as it has done so for almost 200 years.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. DU PONT).

Mr. DU PONT. Mr. Speaker, I urge that we override this veto today for one reason only, and that is that it is the right thing to do. It is the right thing to do on the merits because under article I, section 8 of the Constitution Congress has the war power and not the Executive. It is the right thing to do philosophically because if there was ever a time in Government when we needed to broaden the basis of consultation, and to broaden the number of people involved in important decisions, it is right now.

Make no mistake about it, in terms of strengthening the Congress this is the

one vote that is going to be remembered of the 93d Congress. If Members have come out in favor of a stronger Congress and of increasing our responsibility, this is the vote on which they are going to be judged.

There is no question that this bill does not tie the hands of the President. It does not try to limit the defense of the United States. It does not prevent the President from acting in an emergency.

What it does do is two things. One, it requires the President to keep us informed, and how can we be against that? Second, it requires that the Congress be a participant in a decision to send America to war. We already supply the men. We vote the money. We supply the equipment. Why in logic should we not also have a voice in deciding whether we go to war or not?

Do we overreach in asking to be informed? Do we overreach in asking to have a voice? I do not think we do.

I think if we do not override this veto today, if we do not insist on the provisions of this joint resolution, that we will not only be failing the spirit of the Constitution but also a great many of the people in the United States of America who believe that the Congress ought to have a greater role in Government.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. PEPPER)

Mr. PEPPER. Mr. Speaker, I rise in support of this joint resolution, the veto of the President notwithstanding.

After the trauma of two wars in less than 25 years in which this country sustained casualties of several hundred thousands and spent several hundreds of billions of dollars and suffered a dangerous division of the country without a declaration of war by the Congress, at long last, after more than 3 years of consultation and dedicated effort, the Congress in this resolution has set forth in formal declaration two things.

First, it has declared its opinion of the prerogative of the President, without the concurrence of the Congress, in committing the Armed Forces of the United States to hostilities abroad. I say "our opinion." What is unconstitutional about that?

We have also given public notice to the President—all Presidents—and to the country, as to what the attitude of Congress in future instances where the President commits our Armed Forces abroad without the concurrence of the Congress shall be.

We say to the President, "Mr. President, do not depend upon us doing what we did in the Korean war, in the South Vietnam war, in going along, stumbling along, sliding into concurrence. We are telling you, Mr. President, we are telling our fellow citizens, that if we do have to enter into the agony of war, we will do it not indirectly, but after solemn and prayerful decision by the Congress fully aware of what the terrible consequences of such action may be to the American people."

So we say first, "Mr. President, if you commit our Armed Forces to hostilities abroad without a declaration of war, we inform you now that at any time after you notify us that you have done so, we may by concurrent resolution, simply by formal notice, advise you that we are not going to concur. Therefore, you cannot either constitutionally or effectively proceed.

"Second, we say to the President if we do not give you by 60 days, or at the outside 90 days, an affirmative commitment of concurrence, we will never thereafter give it to you, sir.

"Therefore, you cannot, in our opinion, either constitutionally or practically continue to carry on such hostilities."

Is there anything wrong about our telling the President in advance that that is what we would do under such circumstances if we so elected at the time?

Mr. Speaker, we all know the agony we went through in the South Vietnam war. When we talked about cutting off money, which we had the power to do, they said we would be letting our troops down; that we would not be carrying our part of the burden. It was made to appear that to do that would embarrass us before the country. It would seem that we were running away from our responsibility.

Senator STENNIS rightly, in my opinion, calls this measure a declaration of responsibility on the part of the Congress of the United States. We do not want the Vietnam trauma again. We want to let everybody understand that if the President undertakes engagement in hostilities abroad without a declaration of war he does so at his own peril constitutionally and at the risk of our exercising the authority that we say in this resolution we reserve the right of exercising of saying, "Mr. President, we will not go along with that."

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I once heard our esteemed colleague, RICHARD BOLLING of Missouri, observe that fundamental legislation should never be enacted in quick reaction to a particular event or personality.

The process which brings this final House step on war powers before us today has been deliberate, thoughtful, and protracted. The bill deserves to be considered on its own merit—separated from the emotionalism surrounding a particular event or a particular personality.

I hope this separation of issues can be achieved today. The vote should not be viewed by us, or anyone, as a test of popularity of the President, or of the popularity of the man who has been nominated to be Vice President and whom we all respect and admire so much.

Votes for the motion to override, certainly my own, should not be taken as votes of no confidence in either the President or the man we trust will soon be installed as Vice President.

Nor is this bill a reaction to a particular event. It has nothing to do with Watergate. Its genesis came during the Vietnam war, but it was actually brought into being by events stretching back through history—and it seeks to influence events that will stretch far into the future. Crises in the Dominican Republic, Cuba, and Korea had as much to do with this measure as Vietnam.

Nor is this bill a vote of no confidence in the Presidency. Some observers fear the effect of Watergate may be to lay low the institution of the Presidency itself. This bill will not contribute to that effect. Rather than expressing a lack of confidence in the Presidency, it asserts confidence in the ability of the Congress to discharge its constitutional responsibility in the realm of war powers.

One of my close friends in this Chamber sees my support for this bill as adding new burdens to an already beleaguered President. It is nothing of the kind. Indeed the procedures set forth in this bill will increase the effectiveness of the President in the conduct of foreign policy. It will not tie his hands. Had this resolution been law, the President could have followed exactly the same course he undertook in the Middle East recently. It would have made his position stronger, as other parties would know he came to those acts only after taking into account the important role the resolution prescribes for the Congress in the decisionmaking process.

If the veto is overridden, as I hope will be the case, the action will not be a defeat for the President, it will be a victory for the American people in the prudent management of war powers.

Does this resolution contain language which a President can seize upon as justification for the use of Armed Forces abroad which, in the absence of this resolution, he could not justify?

The only language in the resolution which describes Presidential war powers appears in section 2(c) as follows:

> 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.

This language was carefully drafted so it could not conceivably be interpreted by a President as congressional sanction for the introduction of Armed Forces into hostilities abroad. Of course, Presidents have made such introductions in the past, and Presidents in the future may do the same. But no future President can cite this language as the authority for such action.

In the absence of a declaration of war or other specific authority by Congress, only one use of Armed Forces in conflict abroad is recognized. That lone exception is a national emergency created by an attack on our Armed Forces or upon our own territory.

Is there other language a President can cite as authority?

Someone stated the other day that the 60-day cutoff provision amounted to a blank check to the President during the 60-day period. Read the language. It gives no sanction, direct or implied. It says only that after 60 days—

> The President shall terminate any use of United States armed forces. . . .

It does not say the authority of the President shall terminate.

The best answer to this contention, of course, is the President's veto message.

He sees in this bill no enlargement of his authority. Quite the contrary.

Not one syllable in this resolution can be cited as conveying warmaking authority to the President.

Is this bill a copout for the Congress? Again, read the bill.

Does the Congress cop out when it gives any Member the privilege to force an up-or-down vote within 60 days on a President's use of Armed Forces abroad?

Is it a copout when the Congress provides that a majority of both Houses can at any time order a President to withdraw forces from conflicts abroad?

This is a reasonable, practical bill which over the long reach of history will, I fervently believe, reduce the frequency and duration of Presidential wars without restricting the ability of a President to react properly to any emergency.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Speaker, contrary to the views of many of its proponents, in its present form House Joint Resolution 542 is likely to enhance the war powers of the President and to encourage their freer use, rather than to reassert the exercise of collective judgment of the Congress and the executive branch as intended by the drafters of our Constitution.

Article I of the U.S. Constitution gives Congress alone the power to declare war. If that power is not to be considered meaningless, it surely must require congressional consent before the American people can be committed to bear the burdens and risk the dangers of war. However, House Joint Resolution 542 would for the first time codify what can only be considered as a congressional grant of authority to the President at any time in the future to involve the country in armed hostilities for up to 60 and in some cases 90 days without another word from Congress. In one sense House Joint Resolution 542 could be viewed as a standing if conditional declaration of war to be used by the President in whatever instances and against whatever party he sees fit.

For example, when read in conjunction with section 4(a), section 5(b) would clearly authorize the President for a period of 60 days and without further congressional action.

First, to introduce our Armed Forces into hostilities or situations where they appear likely;

Second, to introduce combat ready troops into the territory, airspace, or waters of a foreign nation; and

Third, to enlarge substantially the number of U.S. troops equipped for combat already stationed in a foreign country.

This resolution clearly implies that these actions are authorized so long as the President simply reports them to the Congress within 48 hours. Because under certain conditions any of these actions might commit the United States irrevocably to war, House Joint Resolution 542 can be read either as congressional abdication of its power to declare war, or as an open ended exercise of that power to be used whenever and wherever the President may choose.

The President certainly was not given such authority by the Constitution, and it is with some irony that he may be given such authority as a result of a legislative effort to strike a more proper balance of the exercise of the war powers.

This joint resolution will be interpreted primarily on the basis of the clear meaning of the words and phrases used in it, not primarily on the basis of explanatory comments by its supporters about what they hoped it would mean. The clear meaning of the words certainly points to a diminution rather than an enhancement of the role of Congress in the critical decisions whether the country will or will not go to war.

I also find it appalling that the Congress can duck such a critical issue as war and peace. House Joint Resolution 542 allows the Congress to negate an Executive initiative through failure to consider. Proponents argue that some vote will undoubtedly be taken on related questions, so failure to consider really is not failure to consider at all. But why should proponents be afraid to vote directly on war and peace? Why should the Congress not be forced to stand up and be counted? Where are those who for years bitterly complained there was never a direct vote on Vietnam?

Mr. BUCHANAN and Mr. WHALEN offered an amendment during the House debate to provide a direct vote. Yet it was defeated. While I normally can understand the logic behind views differing from my own, I fail to see any reason whatever for the lack of a direct vote.

This House Joint Resolution 542 allows the Congress to avoid its responsibilities on two counts. It gives the Executive unprecedented power to enter into hostilities, then permits the Congress to cower in a corner causing action through inaction. This is legislative abdication at its worst and I urge the veto of House Joint Resolution 542 be sustained.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I voted originally against House Joint Resolution 542.

I felt that it eroded the powers of this House. I felt so strongly that I voted against the conference report.

However, today, in view of the message sent by the President, I shall vote to override.

Today we are confronted by incredible claims to powers by the President, powers that belong to the Congress and not to the White House. It is absolutely erroneous to assert, as the President does in his message, that—

> Our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

The President's commendable actions in the Middle East were mandated by legislation of this Congress and would not have been interfered with if this resolution had been the law.

This resolution will prevent any Tonkin Gulf resolution; it will prevent any de facto declaration of a war by the funding of a war.

The entire peace community has come to the conclusion that, despite imperfections in this bill, it is better that the Congress assert its power now. Americans for Democratic Action, Common Cause, SANE, and other groups have said that this is constitutional and it should be enacted.

Prof. Raoul Berger, the eminent constitutional authority, phoned me, indicating that his judgment is that this resolution does not yield any powers to the President.

Mr. Speaker, it is an imperfect bill—I voted twice against it already on that basis—but it is a bill that can be improved in the days and months to come. It is a better solution than to have a situation in which Presidents to come will continue to claim powers which under the Constitution belong to this Congress and not to the President.

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

Mr. WYMAN. Mr. Speaker, I rise in support of overriding the veto of this war powers legislation. I believe that Congress should have the power of limitation which is provided in this bill. I wish we would get off the "kick" that in some way this is a diminution of the powers of the President or an insult to the administration that happens to be in control of the country at this time.

It is not. Nor is a vote to override an anti-Nixon vote. The principle of required congressional approval applies to any President.

The fact that Congress does not have to vote affirmatively is not a fatal objection, because every Member of this House can record himself under the circumstances that exist at that time.

The cutoff is automatic after a period of 60 days and it should be.

There is no offense to the President intended by this legislation, nor is there any offense intended to our beloved minority leader, who wishes us to sustain this veto.

The people of this country want this limitation, after the bitter experience of Vietnam. It should be clearly understood that the American people do not want any President, whatever his political party, to be able to involve the United States in another war without a declaration of war from the Congress of the United States.

In short, Mr. Speaker, to involve us in protracted war overseas a Commander in Chief should be required to obtain the approval of the people's representatives in the Congress. This is right and proper.

Mr. MAILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, no Member in this House is more reluctant to vote to override the veto of the President than the one in the well at this moment.

No Member can doubt my support of the President in times past when we have been asked and have, in fact, bitten the bullet. I have voted this year to sustain all eight vetoes.

To enhance the argument to support the veto, some have made the spurious assertion that this is in some way a vote of loyalty for the President and this administration. This is just not the fact.

The genesis of this legislation was in an administration prior to this one, and

its effect will be felt in succeeding administrations and, hopefully, not in this present administration.

As a matter of fact, I would say to my colleagues on my side of the aisle, that if you would be introspective and honestly examine your own feelings, you would find that if there were a Democrat in the White House, you would be voting to override today instead of the other way.

It has been said today that this bill would inhibit the President in some way. If, by passing this bill today, we can inhibit any President from taking us into armed combat on foreign soil, then I pray to God that it is so; I want it to inhibit him. No one man should ever have the power to commit us to another Vietnam. This is not the best bill possible.

I would prefer something else. I voted previously for the amendment that required the affirmative act of the Congress in 60 days, but it did not pass, so we do not have that choice. The choice before us today is do we have this bill with an automatic cut-off in 60 days or nothing. Well, I prefer this to nothing.

The point is, Mr. Speaker, that we can be, without our participation in any degree, committed to combat in some foreign country under certain circumstances. This bill says that even though we have no part in the decisionmaking, once committed that action is automatically terminated if the President cannot come back to this body and convince you and me that what has happened is right and is in the best interests of this country. The President, whoever he may be, must also convince this body that the situation is so serious and so dangerous and such a threat to this country that it should be continued. If whoever occupies the White House cannot convince you and me of these things, then the order committing troops should be terminated.

Mr. FLOWERS. Will the gentleman yield to me?

Mr. DICKINSON. I am glad to yield to the gentleman.

Mr. FLOWERS. Mr. Speaker, I appreciate my distinguished colleague from Alabama yielding to me, and I want to endorse his position on this matter.

Our Constitution says in article 1, section 8 that "the Congress shall have power to declare war" among other powers such as "raise and support armies." But in recent years, we have seen this provision eroded, partly by circumstances and necessity and partly by abdication of legislative responsibility.

This action by the House may be interpreted by some as a slap at this particular administration by a Congress controlled by the other party. Let me say emphatically that this was not the case. Along with many others who supported the measure, I have fairly consistently supported the President's policy of withdrawal from our involvement in Southeast Asia.

I believe that we as a Nation should have learned some valuable lessons from our long and terrible experience in Vietnam. And it is of the greatest importance that we prepare now the legislative framework to guard against any future "Vietnams." Otherwise, the passage of time will dim our vivid picture now of the gradual involvement and escalation that brought us to that point in 1968 and 1969 when over 500,000 Americans were serving, fighting, and dying in that far corner of the world at an annual cost of about $21.5 billion to the U.S. taxpayer.

The main thing about this particular legislation is the requirement of conscious action on the part of the people's representatives before American involvement could become anywhere near permanent. The support of the people is essential and would be more or less assured under the bill. Another essential as far as I am concerned is that we do not ever again go to war unless we intend to gain a military victory.

Mr. Speaker, I have supported this bill from the beginning and shall vote to override the veto today.

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

Mr. ECKHARDT. Mr. Speaker, this is a bill which I have agonized a great deal over.

I must say when I read the President's veto message it moved me far toward the Zablocki position. The same I think was true of the statement by Mr. STRATTON.

I do not agree with either statement. I feel, as I have said in the well before, that by formalizing Presidential engagement of U.S. troops in hostilities for up to 90 days the Congress provides the color of authority to the President to exercise a warmaking power which I find the Constitution has exclusively assigned to the Congress.

So when the gentleman from Illinois (Mr. FINDLEY) made his statement he rather reinforced my position, which is that this bill will not restrict in any material way the exercise of the President's unwarranted authority.

This bill, it seems to me, would encourage adventurism in international affairs.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, when we raised our hands here in this Chamber on the opening day of this session we swore, each and every one of us, that we would uphold the Constitution of the United States. Here is the opportunity to prove that we meant what we said when we took that pledge.

The pending legislation takes nothing away from the President, nothing which is rightfully his. It merely enunciates a procedure by which we in the Congress may assert that sole power vested in the Congress, the power to declare war. Here, my friends, is that opportunity to prove to the American people that we in the House, regardless of party affiliation, firmly believe that the Congress is an independent branch of our Government, coequal to the Executive.

There are those who will say—and it has been said on the floor today—that the hands of the President will be tied by this legislation. There is no truth to that allegation.

The President may exercise, as he may rightfully exercise under the Constitution, that power which he is granted as Commander in Chief of our Armed Forces. In urging an "aye" vote to override the President's veto in this instance, we are merely asking the Members of the Congress to reassert their power, that power to declare war which is granted solely to the Congress by the Constitution of the United States. I strongly urge an "aye" vote to override the veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, President Nixon does not want a majority of both Houses of the Congress to be able to stop him from making war on his own. He insists that he must be free to act so long as one-third plus one of either House agrees with him. Such is the essence of Mr. Nixon's veto message rejecting the war powers bill, a bill which was agreed to by large majorities in both Houses after months of labor.

Most of the Members who will vote today to sustain the President's veto are Republicans or conservative Democrats who agree with Mr. Nixon's position that the bill represents a dangerous and improper interference with the President's authority. Ironically, however, if the veto is sustained, the margin of his victory may be supplied by a few liberal Democrats who are convinced that the bill somehow gives a kind of theoretical sanction to Presidential warmaking.

President Nixon's position is easy to explain. Although he says he would have no objection to a bill calling for increased consultation, essentially he wants to preserve the status quo so far as the President's war powers are concerned. And the status quo is that, although the Constitution gave the power to declare war to the Congress, our Presidents have over the years committed American forces to combat without congressional approval on more than a hundred occasions.

Those who defend this status quo argue that a President cannot make war on his own if a majority of the Congress is opposed because the Congress can refuse to appropriate the necessary funds. But this "power of the purse" is a clumsy instrument and normally cannot be used speedily. The Armed Forces typically can operate for months on prior appropriations. While the Congress can pass a law prohibiting previously appropriated funds from being used for a specified purpose, such a law can usually be vetoed by the President. The exception is when such a provision is tacked on to a bill which the President needs to have enacted and therefore cannot veto. This was the case last July 1 when the President was forced to accept a congressional cutoff of funds for the war in Indochina effective August 15. But such a legislative vehicle is not often immediately available, so that normally the President cannot be stopped by the Congress from carrying on a war unless the antiwar forces can command two-thirds of the votes in both Houses.

It was to correct this situation that bills were developed in the Senate and in the House providing the Congress with new tools for effectively exercising its constitutional responsibility with respect to wars. In the Foreign Affairs Subcom-

mittee on National Security, where the House bill was drafted, members with initially differing points of view arrived at agreement after days of constructive discussion; as a member of this subcommittee, I found these meetings a heartening example of the democratic legislative process at its best, and I know other Members felt the same way.

Probably the most important provision of the House bill, not found in the Senate version, was to the effect that the Congress could at any time stop a Presidential war by "concurrent resolution"; that is, a resolution which is adopted by majority vote in each House and does not have to go to the President for approval and hence is not subject to veto. This provision was accepted by the Senate conferees and remained in the bill as finally passed.

The final bill also contained a second or back-up method of congressional control over Presidential wars: It provided that, unless the Congress gives explicit approval to the war within 60 days—or in a specified case 90 days—the President must automatically bring the operation to an end. In his veto message the President complained that under this procedure the Congress might be able to avoid voting on the issue, but this would be so only if the President could not find a single member of either House to introduce a resolution supporting his action. For the bill contains elaborate filibuster-proof provisions so that, once a resolution is introduced by any Member, it must be brought to a vote within the required time.

The President also complained in his veto message that the bill would weaken his position in negotiations and in international crises. But this would be so only if he feared that a majority of the Congress would be opposed to a war. Which brings us back to the essence of Mr. Nixon's position: He wants to be free to operate—to threaten war and, if need be, to engage in war—so long as he is not opposed by two-thirds of both Houses.

It has been argued here this afternoon that President Nixon could not have taken the actions he did with respect to the recent Middle East war if the war powers bill had been in effect. This is totally untrue. There is nothing in House Joint Resolution 542 that would have hampered the President in any way.

In view of the strong feelings of the President and of many Members of Congress that the bill unduly restricts the President's warmaking authority, how is it that a group of liberal Democrats have voted against it on an opposite ground? The essence of their objection seems to be that the 60-day—90-day—provision implies that the President has authority to make war during this period, even though the bill expressly states that it shall not be so construed; the bill specifies that it is not intended to alter the President's constitutional authority in any way and that it does not grant the President any authority with respect to the use of the Armed Forces that he does not already have.

The view that the bill somehow gives respectability to the Presidential capacity to make war seems to me to reflect a mistaken misunderstanding of the objective of this legislation. The objective is not to delimit the Presidential power to make war or to reduce—or expand—the possible excuses that a President may make for engaging in hostilities on his own—Presidents have never lacked for such excuses—rather, recognizing that Presidential wars have occurred in the past and no doubt will again, the objective is to provide the Congress with effective ways of calling a halt by majority vote.

The vetoed bill is not perfect. Moreover, if enacted into law, it will be of no use unless future congressional majorities have the will to say no to Presidential military adventures. But it does represent an unprecedented and historic congressional effort to close a loophole in the Constitution, the loophole of the undeclared war. And it would be a pity if the effort should fail because the bill may be criticized on subtle and sophisticated theoretical grounds.

Mr. MAILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I am sympathetic to the idea of war power legislation, but I submit there are at least two fatal defects in the vetoed bill. The first is the attempt to bypass the normal constitutional legislative process by the use of a concurrent resolution, an effort which I predict will never be sustained. The second, and the most important, is that whereas we should have specific statutory authority, which we do not now have, to call off military action, we ought not to be given the authority to do that by simple congressional inaction, as this bill does.

I would say to the Members of the House that we live in a real world, and as a practical proposition it is my judgment that a great power cannot really work and operate if both the President of the United States and the heads of foreign governments know that vital national policy can be changed at any moment, not be an act of Congress, but by a failure of the Congress to act.

For these reasons the veto ought to be sustained.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I voted for this legislation in its original form, and I am going to vote to override the veto because I believe this will resolve a great many confusions and difficulties that have developed because of the lack of understanding of the congressional powers in the Constitution.

We are simply restating and making more explicit what is our constitutional function with regard to peace-keeping, and with regard to the powers to make war. Decisions have been handed down in the courts that are most confusing because it was implied that our failure to act has been giving indorsement to the President's decision to use war powers and enter into war at his own option.

Further, it will resolve those difficulties we face where many bills coming to the floor, almost without exception such as—the debt limit, appropriations bill, even health and welfare bills—a variety of bills have been used—without effect I might add—to spell out what we now seek to do in this resolution.

As a percentage of the world population we Americans are becoming a smaller minority. We have fewer men and women to send to foreign conflicts now and we can ill afford to consider ourselves any longer as the world police force to enter combat.

The Constitution is a living document to protect the lives of living Americans in each generation. As such this resolution will tend to keep more of America's young people alive to work for peace rather than being called upon to die for the failure of our leaders to plan for peace.

The SPEAKER. The time of the gentleman has expired.

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

Mr. FRELINGHUYSEN. Mr. Speaker, much of the debate today is somewhat repetitious of previous discussions on this bill. I should like to begin by saying that everything that has been said today underlines my own conviction that the bill is unwise. It is almost surely unconstitutional in part. It is, in fact, unnecessary in a major part, and quite possibility it could be dangerous to our national interests.

Mr. Speaker, I should like to state that in my opinion this resolution is not what some proponents have asserted. It is not simply a reassertion of congressional authority and a reiteration of what is already in the Constitution; nor does it leave untouched presidential responsibilities.

As an example, without any question in my mind, section 5(c), which attempts by a concurrent resolution to take away what the resolution itself describes in section 2(c) as the constitutional powers of the President as Commander in Chief is an unconstitutional act.

Senator STENNIS, who is an acknowledged authority on the Constitution, said in hearings in the other body, and I quote:

> . . . regardless of whether you called it a concurrent resolution or a joint resolution—no resolution of the two Houses can be given any legislative effect if it has not been approved by the President or passed by the required majority over his veto.

Mr. Speaker, let me say that there is no need to underline the fact that we in Congress want to play a role. There is broad agreement on that point. Quite obviously, Congress has a role to play. However, this resolution does not represent simply an effort to declare that Congress can declare a war. This is our inescapable duty under the Constitution.

This resolution seems to admit that the President has certain authority—but we try arbitrarily to limit his powers to a 60-day period. I should think there would be Members who would continue to have honest reservations about whether this does not constitute a blank check, in statutory form, of powers which the President has assumed under the Constitution.

I should feel less sensitive about the

arbitrary cutting off of a President's powers if within the 60-day period there were some compulsion on Congress to take affirmative action. What is provided, however, is a change in national policy even if Congress takes no action either in support or in opposition to the President's position. This does not strike me as a reasonable way for Congress to assert, or reassert, its warmaking authority.

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

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

Mr. KEMP. I appreciate the gentleman's yielding.

Mr. Speaker, I should like to agree with the gentleman's assessment of this legislation and say that not only is it unconstitutional but it would be extremely dangerous in this still dangerous world. Just as Soviet Russia was tempted to test the United States under President Kennedy during the Cuban missile crisis, again today in the Middle East the United States under President Nixon is being tested. I think this legislation would only serve to tempt the Soviet Union even further to probe and pry to test the flexibility of this legislation.

Mr. Speaker, the events of the past few weeks have added graphically new timeliness and significance to this debate.

In the current Arab-Israeli conflict and the attempts now being made to contain and resolve it, we see new evidence of the importance of preserving the Chief Executive's ability to respond quickly and flexibly to international crises in the interest of peace and stability.

In order to insure such response, the President must have not only the explicit authority to take immediate action, but enough implicit authority to convince foreign powers that actions taken today will not be reversed or rendered meaningless tomorrow. If this ever happens, then future Presidents—of either party—will be crippled in their dealings with other nations, especially in those high-pressure, "eyeball-to-eyeball," situations when credibility alone is the strongest deterrent to foreign aggression. Shorn of the power to act decisively, the Presidency and the foreign policy he constitutionally directs would be incapable of playing their crucial, stabilizing roles in the world—roles which have achieved so much for peace over the years.

Consider, for a moment, some of the specific impacts that the war powers resolution would have made on the Middle East situation—as an example—in recent days if it had, in fact, become law. First, in deciding how far it could go in backing the Arab attack on Israel, the Soviets had to assess America's ability to respond.

The more limited America's range and flexibility and response, the greater the temptation for the Soviets to go all the way—to throw restraint to the winds and take advantage of the United States new-found paralysis. Instead of representing a forceful, credible gesture, the President's troop alert would have been taken as an empty feint and, as such, ignored. Second, even the actual commitment of troops might not have acted as a restraint on the Soviets since they could count on the 60-day rule to make any effective, sustained American role impossible. Third, under the terms of the war powers resolution, resupplying of American forces if they were committed, would present a legal problem.

In other words, in the case of any confrontation, the other side would be strongly tempted to overplay its hand and the United States would have a hard time responding promptly with an acceptable measure of credibility. The result would be an unstable world situation—one in which the risk of an uncontrolled flareup could push us all over the brink into a third world war.

I do not believe for a moment that this is an acceptable price for the Congress to pay in return for a short-term legislative victory over the executive branch. I am confident that most thinking Americans would agree.

There are, additionally, a number of constitutional arguments to be made against the war powers resolution. For 200 years the war powers curtailed by the resolution have been an accepted part of government, and they have never been adjudged unconstitutional. In fact, it seems clear to me that the Founding Fathers made their intent obvious by implicitly allotting to the Presidency the foreign policy leeway that has been a part of that office since its creation.

By forcing an automatic cutoff of certain Presidential authorities after 60 days in the absence of a special congressional extension, and by allowing the Congress to eliminate other Presidential authorities by simple passage of a concurrent resolution, this measure places itself beyond the pale of constitutionality. Changes this drastic—changes which destroy certain constitutional prerogatives of the executive branch—cannot legitimately be made by resolution. They must take the form of constitutional amendments.

But of far more immediate concern—and of much greater long-range interest not only to the American people but to people everywhere who want to see the specter of war banished forever—is the practical impact of the war powers resolution. Even if it were perfectly constitutional, which it is not, it would be wrong. Worse than that, it would be dangerous.

Far from discouraging American adventurism abroad, it would be a green light to aggressive acts on the part of foreign powers—aggressive acts that the President could not respond to with flexibility or credibility. That would mean a world in greater, not lesser, danger of conflagration; that would mean a global tinderbox constantly in danger of bursting into flames.

For some time now, we in the Congress have been lecturing the executive branch about the need for self-restraint—often with considerable justification. The time has come, in the consideration of this matter, to exercise similar restraint. This point was recently underscored by an editorial in the Buffalo Courier-Express of October 28, 1973, when it stated.

Whichever way Congress moves, we hope it won't be in haste but with cool deliberation and a long view of our history.

It is, here, our branch, not the executive, which appears to be toying with the idea of an unconstitutional power grab.

I urge my colleagues not to yield to the temptation. I urge them to place the cause of peace and a sound foreign policy higher than the desire to inflict a defeat on the Nixon administration. I urge them to vote to sustain the veto of the war powers resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the President's veto of House Joint Resolution 542, the war powers bill. This legislation does not, as its supporters claim, limit the warmaking powers of the President. Instead, House Joint Resolution 542 allows the President unlimited warmaking powers for up to 60 days in the absence of a congressional declaration of war. Despite arguments to the contrary, when studied closely, the language of House Joint Resolution 542 actually is the implied consent of Congress for the conduct of Presidential wars so long as their duration is limited.

Clearly this is an even greater delegational of congressional responsibilities to the Executive than ever before in our history. How can the Congress meet its responsibility on the issue of war and peace through sheer inaction?

At the time the House considered House Joint Resolution 542, I offered a substitute bill to protect the President's constitutional authority as Commander in Chief, but also prohibit any future commitment of U.S. troops to hostilities not so authorized without prior congressional approval. My bill, the war powers resolution of 1973, specifically defined the President's constitutional authority to commit U.S. troops in case of an attack or threatened attack on the United States or any of its possessions or territories. It also provided a means for expeditious congressional action on troops committed pursuant to a treaty obligation. Finally, it specifically prohibited any other type of troop commitment without the prior consent of Congress.

My war powers resolution was intended to rectify two critical failures of House Joint Resolution 542, the restrictions on the President's power as Commander in Chief, and the ability to commit troops for up to 60 days without congressional approval. My bill protected the President's constitutional mandate to protect this country and its territories from attack. It would have prevented, however, any commitment of U.S. troops to either direct attacks upon another nation or to "third-party" hostilities without a specific prior authorization by the U.S. Congress.

As now constituted, House Joint Resolution 542 would not prevent another Vietnam from getting started. Once a President commits troops, even in a small "brush fire" war, the conflagration has been started and could burn without check until everything in its path has been consumed. The lessons of history have taught us that we cannot commit troops to a conflict and then arbitrarily and abruptly withdraw them without damaging our national interest and jeopardizing the safety of the troops themselves. Once the commitment is

made, the tendency is to continue on the deadly course of conflict.

The constitutional mandates are clear. The President must have the power to protect the United States and to honor our treaty obligations. Beyond that, the Congress must be invested with a mechanism for prior approval of "third-party" involvements of U.S. troops, and a clear requirement for positive approval of treaty requirements. House Joint Resolution 542 does not meet these imperative criteria, and while my reasons may be different from those of the President, I urge my colleagues to support his veto of the bill.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, the subject of the Near East has entered this debate, and I find nothing in this resolution, this war powers bill, that in any way would have inhibited the actions of the President in the recent crisis in the Near East. Indeed, Senator STENNIS has pointed out he could have done everything he did, plus taken additional actions.

Second, it is clear that a President can take whatever steps that he normally could take under the Constitution as Commander in Chief. Section 8(d) of the bill, in fact, states that:

> Nothing in this joint resolution is intended to alter the Constitutional authority of the Congress, or of the President . . ." and nothing "shall be construed as granting any authority to the President . . . which he would not have had in the absence of this joint resolution.

Third, I do not believe the President is correct when he says that this legislation would in some way affect his diplomatic opportunities for quiet diplomacy. This is not, in my judgment, true.

Moreover I think, to the extent that at some point under this legislation we would have the power to act under a concurrent resolution, not subject to a Presidential veto, we could force withdrawal of U.S. troops in 18 days or less.

Finally, I believe that the joint decision mandated by this bill of both the President and the Congress, backed by the American people, will carry more weight overseas than a unilateral act of a President which is not necessarily supported by the people or than the act of an isolated President. I have had some contact with the Soviets in the field of diplomacy, and they are a very good judge of power; they are fully sensitive, for instance, to the distinction between a broad national mandate and a decision that does not imply broad support.

Hence, the consultation, reporting, and other requirements in the bill would tend to strengthen our foreign policy and respect for it, rather than the reverse.

I strongly urge the Members to vote to override the President's veto of House Joint Resolution 542, the War Powers Act.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Speaker, some argue the bill extends a 60-day warmaking authority to the President which under the Constitution he does not have. Others, including the President himself, and the minority leader, his nominee for Vice President, strenously assert it dangerously impairs the President's capacity to act in emergencies. It does neither.

First, the President has written us that had this bill been in force it would have seriously impaired our "recent actions" to bring about a peaceful settlement of hostilities in the Middle East.

What actions that we know about could this bill possibly have impaired? Certainly not the alert, and certainly not the standdown of the alert, the arms assistance to Israel, or the discussions with the Soviets.

What is suggested is that the President might not have been sure of the steel of the Congress or of the resolve of the Congress had his action taken us closer to a brink history required us to approach. Well, it seems to me that the Congress can meet its responsibility in this regard, and the President, no President, must think of himself as the sole repository of America's honor or America's understanding of what ougth to be done in time of stress and danger.

No, by this bill we neither impair constitutional action nor confer unconstitutional power. There is nothing in the bill which confers upon the President powers not specifically provided in the Constitution. Presidents have always had the "power" to make a full explanation of a military adventure within 48 hours, or to cease such adventure in the absence of congressional approval in 2 months. All this bill does is to make such obvious "powers" duties! And these duties are over and above those which the Constitution already requires namely, that a President secure congressional approval either before or very quickly after action of this kind. The bill does not remove that duty. It does not water it down. It merely reminds any President, should circumstances make it inconvenient to meet that duty in a timely fashion, he will have to account for that neglect or oversight.

The horses of war should not be released from the stall without the turning of a congressional key. Yet history is replete with executive slidings of the latch, followed by whatever appeals to conscience and honor, or sleight of hand, or happenstance, or patriotic impulse, or chauvinist persuasion has proven necessary to impose and maintain congressional concurrence. Such concurrence has generally come in the form of ratification by silence. Under this bill such silence works to the disadvantage of a war-minded President rather than to his advantage. Yet there is nothing in it to prevent very loud and instantaneous congressional assertions of approval or disapproval should Members be so moved. In fact, it is more likely that such assertions would settle the matter before the time ran out.

Under this bill, then, the horses of war, if unleashed, are on a tether. And knowing that, Presidents will be more inclined to ponder the wisdom of unleashing them; to consider and meet the original constitutional mandate, before testing the mood, resolve, and patience of the Congress in ways that could prove awkward, and properly so. For what can there be in the argument that suggests the President is the sole repository of the national honor, or the national safety? Nothing is in that argument except an unwise and unwarranted distrust in Congress itself. And what is this other than a reflection of distrust in the people whose votes established it. It is the people who provide the blood and treasure for the Nation's wars. And the decision to do so should be theirs as well.

It was this fundamental truth that inspired the relevant sections of the Constitution itself. But simple, observable experience has shown that Presidents, for reasons defensible or not, initiate military actions without congressional consultation, and that Congresses for a variety of reasons have allowed them to do so. All this bill really does is to hold both branches of Government to their respective responsibilities in ways the Constitution, itself, standing alone, has lacked the power to do. The Constitution is not a self-executing instrument. It sets forth in broad terms the respective duties of the several branches it established. The Congress makes the laws. And the life of the law, being not logic, but experience, as Holmes reminded us, we are called upon from time to time to translate experience into law, not to avoid, but to meet the requirements of the Constitution. This is such a time, and I urge the House to override this veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, the distinguished chairman of the House Foreign Affairs Committee (Mr. MORGAN).

Mr. MORGAN. Mr. Speaker, I shall not try to prolong this debate. It has lasted long enough—nearly 200 years.

This is the first time in our history that the Congress stands on the threshold of requiring the President to follow the Constitution—and bring in the Congress as a full partner on issues of peace and war.

The House has spoken twice on this issue in recent months—on both occasions, sustaining the war powers resolution by overwhelming majorities: 244 to 170, and 238 to 123.

It is time for us to speak again.

It is time for us to override the veto.

Mr. MAILLIARD. Mr. Speaker, I yield the remaining time on this side, 3 minutes, to the gentleman from Arizona (Mr. RHODES).

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

Mr. RHODES. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I rise in support of sustaining the veto of the President on House Joint Resolution 542.

In my judgment, it is wrong to provide for legislation through inaction, particularly on a subject of major importance to the Nation. The Constitution mandates the Congress to act and the people have a right to expect it on issues of this magnitude.

Further, if the war powers of Congress and of the President are to be more clearly spelled out, this can only with

certainity be done through the passage of a constitutional amendment.

I, for one, would not challenge the fact that President Truman in Korea and President Johnson in Vietnam went beyond the powers envisioned by our Founding Fathers in committing massive American forces to direct military action without a declaration of war by the Congress.

I share the conviction that Congress itself must act to endorse or forbid such involvement.

This can, however, be done without the passage of House Joint Resolution 542 as was illustrated in the vote of the Congress through the appropriations process to cut off the bombing in Cambodia by August 15, 1973, which did, in fact, accomplish this result.

The constitutionality of spelling out war powers by a simple resolution can and will be challenged. Hence, overriding the veto will add only to the confusion of the situation, not solve the problem of the war powers of the President or of Congress.

In all candor, I am also concerned about the effect on the ability of the President to meet such crises as the present Middle East situation.

In my judgment, the President's hand would have been considerably weakened in his recent dealings with the Soviet Union over the unilateral introduction of troops into the Middle East had this legislation been in effect at that time. While it may have had no effect on his ability to act in this situation, it may well have had a substantial effect on the Soviet Union's response to his action.

Mr. Speaker, in a time of crisis, the Congress should act rather than evade action. I consequently urge a negative vote on the motion to override the veto.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from Arizona for yielding.

Mr. Speaker, I find myself in an almost impossible position and my voting record on this legislation reflects the same. I wholeheartedly concur in the concept of an effective and workable recitation and limitation of the authority and prerogatives of the President and the Congress concerning the exercise of "war power" or, as I believe better stated, the authority to involve this country in military hostilities or commit its military forces.

At the same time, I have serious concern about certain of the provisions of this legislation, feeling that in its present form it does not do that which I conceptually believe should be done. This is not a late-blooming concern and dilemma. The record will show that I originally voted against this legislation when it passed the House of Representatives, yet supported the conference report when it was before the House for a vote immediately prior to its transmittal to the President for his signature or veto.

I intend to vote to sustain the President's veto not because of any extraneous influence, but rather I will vote to sustain the veto having reached the conclusion that the defects in the legislation outweigh my support of the concept embodied in the legislation.

Mr. Speaker, although there may be much merit in many of the constitutional and other arguments which have been made in opposition to this legislation, my decision to sustain the President's veto is based upon my sincere concern over two aspects of the resolution which have not been thoroughly debated or considered, I believe, they are:

First. Just as this legislation is supported by those who fear for the action of a President contrary to congressional intent and desire, I fear the possibility that a President, faced with the 90-day cutoff date and feeling in his own mind that the national purpose would be best served by whatever action he contemplates, would excessively commit our military forces and weaponry so as to accomplish that national purpose whatever it might, in his opinion, require prior to being faced with such cutoff date; thereby possibly subjecting this Nation to military reaction by other nations observing this excessive commitment which would not have resulted had a more limited, albeit longer in timeframe, military commitment been made.

Second. Although the resolution attempts to deal with the procedural problem of inaction by either or both Houses of the Congress through the requiring of a vote in either House within 3 days of the offering of a resolution extending the President's authority to commit our military forces, I am not satisfied that the language of the resolution which permits either House to delay such a vote would not result in the anomaly of the will of a substantial majority in each of the bodies being stymied by a minority of dissidents. To explain, I am not satisfied the resolution precludes the operation of the rules of the other body which require a two-thirds vote for cloture, and in the event the resolution is defective in this regard, one-third of the Members of the other body could not only subvert the will of even a unanimous House, but also the will of just less than two-thirds of the Members of the other body.

So long as it is not clear that this resolution would not prompt or permit either of the foregoing concerns I have expressed, and when such concerns are viewed in the context of the other arguments which have been made against it, I am unable to give it my support.

Congressional participation connotes, in my mind, affirmative action. This resolution, upon the further examination I have now been able to give it, contemplates, even suggests, participation through no action at all even though affirmative action might be the will of all but a small minority.

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

Mr. RHODES. I yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, I shall vote to sustain the President's veto.

In my opinion war powers legislation probably should be adopted by the Congress of the United States, but this is a bad bill. All it does is remove the flexibility from the Congress to act at a time when it should act to either allow the use of American troops or not to allow such use. I think Congress should retain that flexibility. This is really a continuing Gulf of Tonkin resolution, giving the President power to commit troops legally—a power he does not now have.

Imagine this scenario. Assume that this bill had been law at the time of our supplying the Israelis, at the time of the Middle East crisis. In my opinion, it would have beeen necessary for the President of the United States, before any C–5A's could land in Israel, to notify the Congress, because it was a situation in which the planes could have been shot at. At that time of course every other interested nation, including Soviet Russia, would have to react to the situation and we could actually be in a position of causing an international conflagration instead of stopping it.

In international diplomacy you can quite often get by without confrontation if you do not make an issue of what you are doing.

Also I would like to give the Members this little scenario. Assume that a President of the United States in the future had committed American troops and that 90 days later those troops were still committed and the Congress was debating a resolution. I understand that you have tried to make it necessary to bring a resolution on this subject up in either body within 3 calendar days. But I submit to each of the Members that this Congress cannot bind a future Congress insofar as matters like this are concerned. So it is entirely possible in the future that we would find a situation in which a President had committed troops and at the end of 90 days he could not militarily get them out safely, and the Congress had not acted, one way or the other. What a pretty mess that would be.

Furthermore, Mr. Speaker, let me point out the fact that in this troubled world sometimes the important thing is not what the law says but what the rest of the world thinks it might say. I say to the Members at this time of crisis this is no time for the Congress of the United States to give the least appearance of not standing behind the President who by his actions which were both bold and imaginative has been able to stave off a real crisis in the Middle East.

I hope the Congress will vote to sustain the President's veto.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts, (Mr. O'NEILL), the majority leader.

Mr. O'NEILL. Mr. Speaker, earlier I listened to the eloquent statement of the minority leader. There is nothing in this resolution before us which in any way reduces or damages the President's ability to act in a constitutional manner in the meeting of the Middle East crisis.

The war powers resolution has nothing to do with the Middle East. It neither takes away nor increases the President's constitutional authority to deal with overseas crises. It simply provides that when the President acts, he must consult with the Congress and seek its concurrence before committing our country to war. That is the basic fact of this legislation.

The gentleman from Michigan knows well that when we were at the White House the other day discussing the Middle East crisis with the President and Dr. Kissinger—the House leaders of both sides of the aisle and the leadership of the Senate were there as well—the President said—

Gentlemen, you appreciate the crisis we have and let me say this, before I take any further action of any type I will call back the leadership of the Congress.

Now, that is what the President said that night. I think that he should not only call back the leadership, I believe he should come to the Congress of the United States. That is what, in my opinion, the Constitution originally meant. And that is what I believe the President should do today.

If the President can deal with the Arabs, and if he can deal with the Israelis, and if he can deal with the Soviets, then he ought to be able and willing to deal with the U.S. Congress. That is all we ask of him. I hope we override his veto.

Mr. FROEHLICH. Mr. Speaker, today the House of Representatives is being called upon to consider the President's veto of legislation to define Presidential and congressional war powers. The decision, of course, is whether to override or to sustain this veto. In my view, the sound position, the sensible position, and, in fact the only rational position is to vote to override the veto.

The war powers resolution cleared by both Houses of Congress last month provides a historical opportunity for the Congress to renew and reassert its powers and prerogatives in this area and to delineate the authority of the separate but equal branches of Government in declaring and conducting a war. We have here an opportunity to turn the nightmare of our past into a clearly defined set of ground rules for the future, an opportunity to assure that Congress will be able to carry out its duties with respect to war powers, and an opportunity to let the people of this great democracy be justly heard and represented, in the decisionmaking process.

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, to provide and maintain a navy, to make rules for the Government in regulating land and naval forces, to provide for the calling forth of the Militia to execute the laws of the Union, to suppress insurrections and repel invasions, and to provide for organizing, arming, and disciplining the Militia. In addition to these enumerated war powers, the Congress is granted the authority by 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 office thereof.

The legislation before us today is designed to carry these powers into execution. It is an attempt to clarify and codify the roles of the Congress and the Commander in Chief.

Mr. Speaker, if our future foreign commitments are to be credible ones, they must have the active and continuing support of the Congress and the American people. The legislation before us today is an attempt to achieve this consensus, cooperation, and mutual reinforcement. As such, it makes an inestimable contribution to the cause of unity. As such, it deserves our full support.

Mr. PODELL. Mr. Speaker, the House today has the opportunity to reaffirm the Constitution as the law of the land. The war powers resolution is an eminently practical measure, which gives the President the ability to act in emergency situation, while acknowledging the constitutionally mandated duty of the Congress to declare war.

This country suffered through more than a decade of involvement in Vietnam. We lost more than 55,000 American men to an undeclared war. The total number of Vietnamese casualties may never be known. The United States went through a terrible period of dissension, with riots and bombings, and a further loss of life among our own civilians.

The key to our constitutional system is its separation of powers. The duties and responsibilities of each branch of Government are clearly delineated, so that our Government officials know what they can and cannot do. The entire Indochina situation was a prime example of lawlessness by the Executive, and acquiescence by the Congress. We must never allow this to happen again.

This resolution is very generously drawn. It expands the President's constitutional power to commit our troops without congressional approval, thereby providing the Executive with the necessary latitude to act in an emergency. However, it restores the restraints envisioned by the framers of the Constitution to prevent unilateral warmaking on the part of the President.

The events of this century have shown this legislation to be tragically necessary. We must never again allow ourselves by default to become involved in an unwanted, unnecessary, and unwise war.

Congress has determined to act in this matter, to restore the power given to it by the Constitution and co-opted by the President. If we fail to override this veto, we may be viewed as granting the Executive an unlimited license to wage undeclared war. This would be a total abrogation of our responsibilities, and we will have failed our people by default. Mr. Speaker, we must override this veto, or we will be one step further down the road to one-man rule.

Mr. HUDNUT. Mr. Speaker, while I am in accord with the desire to assure Congress its proper role in national decisions of war and peace, it is my view that House Joint Resolution 542 will impede, rather than help, achieve this objective. Therefore, I shall vote to sustain the veto.

The underlying philosophy of support for this measure is a belief that it would reduce the chances of future wars. In my view it would not. On the contrary, the existence of the resolution's limitations on the President's use of the Armed Forces might well tempt some future aggressor to embark on a military collision course on a belief that the United States would be paralyzed and unable to respond. The provision automatically cutting off certain authorities after 60 days unless they are extended by the Congress could work to prolong or intensify a crisis.

Until the Congress suspended the deadline, there would be at least a chance of U.S. withdrawal and an adversary would be tempted, therefore, to postpone serious negotiations until the 60 days were up. Only after the Congress acted would there be a strong incentive for an adversary to negotiate. In addition, the very existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expired.

Furthermore, this effort to limit the President's power by the failure of Congress to take affirmative action seems highly dangerous and inappropriate. For example, suppose the President were to commit troops in Europe in order to defend our own country? That he has such power as Commander in Chief is not challenged, but the limitation of 60 or 90 days might make it necessary for him to withdraw troops fully committed to combat. Proponents might argue that if the situation justified such action Congress would recognize the necessity of declaring war or of specifically authorizing the use of troops. As a practical matter, however, Congress does not always move quickly and a legislative deadlock might develop. Moreover, in my opinion, it is highly undesirable for Congress, through its own inaction, to be able to determine whether a course of Presidential action should be continued.

The Kremlin is not limited by the Soviet legislative assembly on how it may throw its strategic weight around. Russia does not make these decisions in committee. Russia can move quickly when she wishes. Knowing that, why should we deliberately throw away the ability to respond immediately?

British journalists are fond of saying that it is "not only important that justice be done, but also that justice appear to be done." Let us paraphrase that to fit this situation in this way, "It is not only important that America be strong, but also that America appear to be strong. Otherwise, who will listen when America speaks?"

Mr. McCLORY. Mr. Speaker, in voting today to sustain the President's veto of House Joint Resolution 542 concerning the respective war powers of the Congress and the President, I am doing so on the basis of the President's veto message which expresses his support and commitment to the appropriate role of the Congress in connection with the use of our Armed Forces in military conflict.

Mr. Speaker, the President has stated quite forthrightly that in order for the Congress to be a true partner in the constitutional authority respecting the use of our Armed Forces we should be willing to take "positive action" by calling for a withdrawal of or for the continued use of our Armed Forces where deemed essential by the President as Commander in Chief.

The Congress as well as the President are bound by the treaty commitments and obligations of our Nation. It is not possible for us to repudiate such obligations through a House joint resolution. The President has cited a number of examples where the use of Armed Forces have contributed to world peace—and where our ability for effective military action may be employed in the best interests of our national security.

Mr. Speaker, I am confident that a very small change in the language of House Joint Resolution 542—to require positive action by the House and Senate in connection with any commitment or use of American Armed Forces—would receive the prompt approval of the President. It would seem to me important in connection with our responsible exercise of legislative authority that we should be willing to act positively and deliberately on a subject of such vital significance as the use of American Armed Forces abroad. To restrict the President's action by mere silence or inaction appears to me to be quite inconsistent with a responsible legislative role.

Mr. Speaker, in voting today to sustain the President's veto I am hopeful that a modified measure may be brought promptly to the floor of this House for the kind of overwhelming support which a measure of this character deserves.

Mr. BAUMAN. Mr. Speaker, I wish to state that I, for one, will vote to sustain the veto of this measure. I do not vote to sustain because I oppose limitations on the President's warmaking powers—on the contrary, I believe that the Congress must limit the abuse of Presidential war powers, and do so in much the same fashion as is provided in parts of this bill.

But this measure, as I see it, has one major flaw: It does not require the Congress to pass judgment, one way or the other, on any military initiatives in which the President may involve U.S. Armed Forces. To be sure, a tacit veto of the President's involvement is provided, for if Congress does not act within 60 days of the military action in question, the President must call it to a halt. But such a scheme is inadequate, and provides more than ample opportunity for abuse by any President.

If this bill becomes law, a congressional committee which merely decides to take its time, a filibuster in the other body, a recalcitrant committee chairman who declines to bring the measure up for action, in short, any of a series of delaying tactics, could easily countermand the intent of a war powers limitation: The need to involve the Congress in the decision to commit American troops to battle.

This bill does not require the Congress to participate in that decision, except in a backhanded way, a way in which it may not be the Congress doing the deciding at all, but merely a few key Members of Congress. This is avoidance of congressional responsibility at its worst. I believe that every Member of Congress should be required to stand up and be counted on the issue of war and peace and this bill creates a convenient loophole for those who wish to avoid that recorded decision.

One other possibility could arise: that the majority party whichever it may happen to be at the time, could in caucus decide not to bring the issue of military commitment by the President to a vote. Thus, the responsibility of Congress to go on record, as individuals, by a recorded vote, would be conveniently and politically ignored. A major, perhaps crucial, decision would be made simply by inaction on the part of Congress.

I do not believe that this is a sensible way to limit the warmaking powers of the President. Abrogation of congressional responsibility is not the way to go about limiting the responsibilities of the executive.

I would vote for this measure and to override a Presidential veto of it, if it is redrafted to include a provision requiring a yes-or-no vote by the Congress on any Executive commitment of American Armed Forces. If such a provision were included, we would once again have the opportunity to consider a true war powers bill. There is a need for such legislation. But we must not pass any such bill if it allows the Congress to avoid its responsibility. In my judgment, that, unfortunately, is what this bill does, and I must therefore vote to sustain the veto.

Mr. HARRINGTON. Mr. Speaker, I rise to urge the House to override the President's veto of the war powers resolution.

President Nixon's veto of House Joint Resolution 542 is the latest step in the erosion of congressional authority with regard to issues of war and peace. For the last 10 years, the American people have witnessed the unilateral commitment of American military forces to hostilities abroad by the President without prior consultation with, or authorization by, the Congress. This expansion of Presidential warmaking power has markedly increased in recent years and is reaching dangerous heights, threatening to undermine the system of checks and balances essential to our constitutional system of government. The time has come for the Congress to reassert its prerogatives and responsibilities to restore the intended balance provided for by the Constitution.

I am alarmed at the growing number of assertions of Presidential authority, both in foreign and domestic affairs. The magnitude of the coverups of illicit military activities in Laos and Cambodia, cloaked and spuriously justified in the name of national security, should impel Congress to assert its legitimate constitutional authority.

It seems to me that some clarification of the implied powers of the President must be made in the area of warmaking powers. The Founding Fathers were keenly aware of the warmaking powers of the British monarchs and the abuses which stemmed from them. They were explicit in their intent that the power to declare war and to raise armies be left to the legislature; the President would act only as Commander in Chief after hostilities began. The commitment of American forces—except in the most critical situations which directly threaten national survival—should be taken only after full congressional and public discussion. Only through such debate can the national unity necessary to support such commitments be attained.

Mr. Speaker, the war powers resolution would do three things. First, it directs the President to consult with the Congress before and during commitment of American forces to hostilities or to situations in which hostilities may arise, and requires submission of a formal report to Congress when such actions are taken without a declaration of war. Second, the resolution denies the President authority to commit forces for more than 60 days without specific congressional approval, and permits the Congress to order the President to disengage from combat actions any time in the initial 60-day period. Legislation relating to such actions would be entitled to priority congressional consideration. Third, the resolution makes clear that it is not intended to alter the constitutional authority of either the Congress or the President, or to alter existing treaties. The reporting requirements of the resolution would take effect at the time of enactment.

Contrary to the President's position as enunciated in his veto message, I believe that this resolution is constitutional. Rather than taking away from the President's authority which is alleged to be his alone, Congress would be reasserting its intended share of its authority over the warmaking powers of the National Government. Under the Constitution, both the collective judgment of the Congress and that of the President apply to the introduction of American Armed Forces into hostilities, or into situations where there is a clear indication of imminent involvement. As stated in the preamble of the resolution:

> 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.

Neither do I believe the resolution would undermine the foreign policy of the United States. The executive branch does not have a monopoly on wisdom in matters affecting national security, and the accumulated experience of Members of Congress should be brought directly to bear on decisions affecting war and peace. By restraining irresponsible executive action, House Joint Resolution 542 is entirely consistent with the Nixon doctrine, which would help foreign nations defend themselves with supporting military aid, but reserve the commitment of American forces only when our national interests are genuinely threatened. The resolution provides the necessary flexibility for Presidential action in the advent of unforeseen circumstances, while assuring that Congress maintains its warmaking authority over the unchecked, unilateral decision of the executive branch.

Each of us has taken an oath to uphold the Constitution. Overriding this veto would help restore the lawful authority of Congress in the process of committing our Nation to war, and in that sense, uphold this oath which we have all taken. As many of our citizens continue to lose faith in our governmental institutions, we in the House must prove ourselves worthy of the trust placed in us by the

people. That will require that we assume our responsibilities. For this reason, I urge each of my colleagues to join me in voting to override the President's veto.

Mr. LEGGETT. Mr. Speaker, I have in my hand President Nixon's veto message on the war powers resolution. It is an astounding document. You can find the words "Constitution," "constitutional," and "unconstitutional" cited a full 13 times in the course of its 3 pages, but there are zero direct quotes from the Constitution, and only 1 specific indirect reference, which I will discuss shortly.

This is reminiscent of the pseudo-constitutional arguments we have been hearing from the President's lawyers on the subject of executive privilege, where everything the President favors is automatically judged "constitutional" and everything he opposes is "unconstitutional." It has been years since we have heard the White House call for "strict construction" of the Constitution. I suspect that at some point somebody over there actually sat down and read the thing, discovering to his horror that it established a Republic rather than a monarchy. From that point on, they decided that the looser the construction of the Constitution, the better; certainly that is the principle on which Mr. Buzhart seems to operate.

I am only half joking. Consider the lone reference in this message to a specific section of the Constitution. Mr. Nixon says,

> I am particularly disturbed by the fact that certain of the President's constitutional powers as Commander in Chief of the Armed Forces would automatically terminate under this resolution 60 days after they were invoked.

To what "powers" does he refer? He must be saying that article II, section 2, "The President shall be Commander in Chief of the Army and Navy of the United States," somehow gives him the power to commit troops to combat without congressional authorization. He must be saying that as Commander in Chief he has the authority to treat the Armed Forces as his own private palace guard, to do with what he will.

Hogwash. The Armed Forces belong to the people of America, and exist only to serve the people. Article I, section 8 of the Constitution gives the people, acting through their elected Congress the power—

> 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

As Commander in Chief, the President is superior to all generals and admirals, but he is absolutely subject to the direction of Congress. In recognition of our own unwieldiness and of the fast-moving nature of international crisis, we delegate to the President the power to act in the short term without explicit congressional direction. But his every act as Commander in Chief is based on implicit congressional approval; if we deny him this approval by any means we choose—including the passive means prescribed in the war powers resolution—he has no authority to act. If the opponents of this resolution can cite any specific constitutional authority for unauthorized military action by the President, I will be happy to reconsider my position.

In addition to his pseudo-constitutional argument, Mr. Nixon makes a pragmatic argument. He says:

> If this resolution had been in operation, America's effective response to a variety of challenges in recent years would have been vastly complicated or even made impossible. We may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples. In addition, our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

How this impairment would have occurred, since all of these incidents were completed in well under 60 days, is not explained.

He then goes on to hypothesize various situations in which the war powers resolution would "undercut the ability of the United States to act as an effective influence for peace." All these situations have one thing in common: They involve the President committing American troops despite the disapproval of Congress, since the bill will have no effect when Congress and the President are in agreement.

The committing of troops to combat is not something to be done as lightly as redecorating the Presidential aircraft. It involves subjecting American citizens to possible injury and death. It must never be done without the full support of the American people, and congressional disapproval is incontrovertible proof of the lack of such support. We cannot wait, as Mr. Nixon somewhat patronizingly suggests, for the next annual authorization or appropriations bill before expressing our disapproval. By that time our casualties could be in five figures.

We must have a vehicle whereby we can promptly express our approval or disapproval. The war powers resolution is such a vehicle, and for this among many other reasons I hope the House will override this veto.

Mr. HORTON. Mr. Speaker, I rise in support of overriding the President's veto of the war powers resolution, House Joint Resolution 542.

Having sponsored one of the strongest war powers bills introduced in this Congress and in the last Congress, and having testified in favor of these measures on three occasions, my support of this legislation is unequivocal. I regret that Congress must seek to fulfill our determined objective in what has become a test of will.

The carefully drawn provisions of House Joint Resolution 542 have been discussed at length. Their purpose is clear: No President can wage war without the concurrence of Congress. The Constitution assigns to Congress alone power to declare war. The President serves as Commander in Chief to execute those hostilities to which Congress commits the Nation.

It is important to emphasize that this measure would not restrict the legitimate authority of the President to respond to crises. The recent handling of the Middle East crisis is a case in point. Had this measure been law, it would not have hindered the President from following the precise course he pursued. It merely provides that if the President commits our Armed Forces to hostilities, he may do so for a maximum of 60 days and must have congressional approval to extend the commitment beyond that period.

Mr. Speaker, hour upon hour of debate in this Chamber has centered on the erosion of congressional power to the executive branch. Today, we address the most critical of those concerns—our role in war and peace. If we succeed in restoring balance to war powers, we will give the American people new faith in Government and, most assuredly, new confidence in the Congress.

Mr. MARAZITI. Mr. Speaker, I previously voted against the war powers bill, House Joint Resolution 542, mainly on the ground that the bill did not require Congress to effectively act and take a position either for or against continued hostilities.

I felt that if Congress wished to assert its right "to declare war" or "not to declare war" then it should have the intestinal fortitude to speak up and pass legislation either declaring war or requiring the cessation of hostilities.

The war powers bill in its present form does not require this action by Congress. It merely permits this action and states that if Congress does not act within 60 days of the report by the President, the hostilities shall cease.

There are other technical defects to the bill.

However, notwithstanding this lack of required action and notwithstanding other defects, the bill does provide some mechanism for Congress to immediately assert itself if it so desires, which apparently does not currently exist.

Recent events have concerned me to such an extent that I have reason to believe that the executive branch of Government could draw us into a war including the two major nuclear powers.

I am impelled to support legislation as imperfect as it may be, that would give Congress the mechanism to immediately stop that confrontation and bring an end to a holocaust that would destroy mankind.

It is hoped that in the months that lie ahead we can further amend this bill to correct the imperfections.

Therefore, I have decided to vote to override the President's veto of House Joint Resolution 542.

Mr. GROVER. Mr. Speaker, I am voting today to sustain the President's veto of House Joint Resolution 542, commonly known as the war powers bill, just as I voted against the bill several weeks ago.

My vote, however, should not be misconstrued. While I find laudable the effort to clarify the constitutional authority of Congress to be heard in matters involving the commitment of U.S. military forces in combat, my objection is not that the legislation unduly hampers the President, but rather that it gives him too much power.

The so-called war powers bill, in permitting a 2-month troop commitment to combat before congressional action or

inaction to support or reject it, is a permanent Gulf of Tonkin resolution, a blank check for future Presidents to involve us in future Vietnams and Koreas.

I will support a war powers bill which fully restores to the Congress the authority of an equal partner as intended by the framers of our Constitution.

If the President can call the National Security Council to Washington on a few hours' notice, he can comply with a strict war powers bill which requires him to go immediately to the Congress for permission to commit troops. House Joint Resolution 542 does not require that, but rather gives a dangerous carte blanche to the Chief Executive. Should it become law I am sure it will prove an unsatisfactory effort to restore to the Congress powers arrogated by and to the Presidency over the years.

Mr. PRICE of Illinois. Mr. Speaker, I strongly urge my colleagues to override President Nixon's veto of the war powers resolution which restores balance to the partnership between the Congress and the Executive in national security affairs.

Events through the Viet Nam war period make it clear that Congress should exercise its constitutional power when it comes to a decision committing U.S. forces to combat.

This resolution provides clearcut guidelines consistent with the Constitution that prescribe executive and legislative authority in this crucial policy area.

Congress must meet its responsibility to the American people. They are weary of the crises-ridden nature of the present administration. They are looking for integrity and a return to the rule of law. By overriding the President's veto, we can help restore public confidence in Government.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss House Joint Resolution 542, the war powers resolution.

Out in Kansas in my congressional district, most folks want to see Congress take some appropriate action so that we will not again become involved in another limited, political conflict similar to Korea and Vietnam. After our tragic and long involvement in Southeast Asia, I have said repeatedly I would not support any proposed action that would send American forces overseas unless they had the full support of the Congress and the American people.

The frustration that has followed our involvement both in Korea and Southeast Asia is understandable and we must find the means to keep from repeating our past mistakes.

In short, I am saying the citizens of my congressional district want Congress to meet its responsibility on the issue of war and peace.

However, the question in my mind is whether or not this bill does the job. I do not consider myself an expert on constitutional law nor do I consider myself having great expertise in the field of foreign relations. I would like to think, however, that I do know something about commonsense and commonsense tells me we are trying to say more about the conduct of our foreign policy but we may be saying the wrong thing and at the wrong time.

Back in the 1930's, Congress passed a number of neutrality acts all designed to keep us out of foreign involvement and war. The net result was that we simply encouraged our enemies to become more aggressive. I cannot help but think that if we pass this resolution we will be sending a signal of indecision to our potential foes and allies alike.

In addition, my personal feeling is that we have a lot of folks who would like to have more of a say in our foreign policy but very few who seem to want to take on the responsibility of making a decision.

If I understand this resolution correctly, it would permit the Congress through inaction to force the President to terminate the use of U.S. Armed Forces. In other words, if Congress fails to act, our Armed Forces must be withdrawn. In my opinion, this simply amounts to passing the buck. We cannot meet our responsibility on the issue of war and peace without taking positive action to approve or disapprove the President's action.

Another objection that I feel merits consideration is that by enacting this resolution, we may be giving statutory approval to unilateral warmaking powers that the President does not now have. It seems to me this is precisely the thing we are trying to avoid.

I would like to reiterate that I feel Congress should exercise a greater voice in the conduct of our foreign policy and the use of our military forces overseas. However, this bill reminds me of a youngster who keeps getting his nose bloodied by getting involved with his older brother's trouble. Sooner or later that young man will have to make a decision on his own. That is what I think we in the Congress should do and why I will vote to sustain the President's veto.

Mr. BENNETT. Mr. Speaker, I will vote in opposition to this legislation today, as I have in the past, because I think it gives a power to the President to start a war without previous action by the Congress. Our forefathers wisely provided in the Constitution that only Congress can start a war. Yet, in the measure before us, its provisions will give Presidents in the future a standing power to be used at any time to start a war. The benefits listed for the legislation in requiring reports by the President and then disapproval power by the Congress, are benefits that can be achieved without the passage of this measure. But, even if that were not so, the delegation of such power as given by this measure to the President should not be approved.

Mr. EDWARDS of California. Mr. Speaker, I feel that it is of the utmost importance that the House vote today to override the President's veto of war powers legislation.

For years, a succession of Presidents carried on a full-scale conflict in Southeast Asia, committing thousands of American troops and billions of U.S. dollars to a struggle that never became a "declared war." The results of this tragedy are deep and long lasting. Thousands of young men lost their lives, and countless others their faith in the American system. Members of Congress struggled with their consciences while the country as a whole experienced bitter divisiveness and polarization. Student unrest grew increasingly desperate and turned violent, causing the senseless, needless deaths of youths at Kent and Jackson State Universities. A President's dream of a "Great Society" that reached out to the poor, minorities, older Americans, was compromised and clouded and finally pushed aside. The economy pulled and stretched, leaving the Nation after the war with ever higher prices and rampant inflation. Years from now we will still be bearing the scars and feeling the repercussions of the Vietnam war.

The legislation we are considering today could have prevented the protracted involvement of the Vietnam war, forcing the President to seek formal authority from Congress for continued U.S. military actions and allowing Congress to put a halt at any time to American commitment by a concurrent resolution. In addition, it would require the Chief Executive/Commander in Chief to report to Congress what his plans and objectives were for authorized involvement. It would not prevent the President from acting expeditiously in emergency situations, allowing him 60 days, with the possibility of extension to 90 days, to act without congressional approval. At the same time, it insures against broadening of constitutional Presidential warmaking powers by specifically stipulating that it is not to be construed to grant any authority to the President he would not otherwise have.

The events of the past few weeks seem to underline the need to override the President's veto of this legislation. To restore the confidence of the electorate in the power of Congress to act and serve as their representatives, a veto override would indicate our resolve to restore the balance between legislative and executive powers. It would also reassure the American people that, regardless of the demands of the oil industry and pressures of diplomatic "brinkmanship," the United States will not become involved in the Middle East or anywhere else without requiring specific congressional approval of military commitments.

The Nation cannot afford another Vietnam. We cannot afford another presidential refusal to recognize congressional and public will. Therefore, I strongly urge my colleagues to vote to override the veto of the war powers resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise to urge my colleagues to vote to override the veto of the President of House Joint Resolution 542, "The War Powers Resolution." I do so because I think the time has clearly come for the Congress to squarely confront the question of "whose power is the war power" and recognize the central role the Founding Fathers intended for the Congress to play in this vital area. We are all of differing views as to the wisdom of war powers legislation and the form this should take. Like many of my colleagues, I had introduced my own war powers bill; and like many of my colleagues, I supported certain amendments to the resolution which originally passed this body. But I voted for that resolution on final passage, despite the rejection of those

amendments, and I voted for the conference report which I felt was an excellent compromise between the two bodies.

I regret that the President did veto this resolution and that he cited constitutional grounds for doing so. I welcome the President's support for those portions of the resolution which would require prior consultation with the Congress in emergency situations and regular reporting to the Congress once American troops are committed. But this alone, in my opinion, is not enough, and I think the procedures and requirements of the resolution for the termination or extension of a unilateral Presidential commitment of troops in certain circumstances are both necessary and constitutional if we in the Congress are to fulfill our responsibilities under the Constitution.

There can be no question that the Constitution clearly provides that the Congress and only the Congress shall have the power to declare war, to provide for the common defense, raise and support armies, provide and maintain a navy, and make rules for the regulation of our land and naval forces. And there can be no question that the Congress is given the authority under the Constitution to make all laws which shall be necessary and proper for carrying into execution these powers.

The Constitution provides, on the other hand, that the President shall be the Commander in Chief of the Army and Navy of the United States, "when called into the actual service of the United States."

The resolution which is before us today under a veto is clearly on all fours with those constitutional authorities and requirements. The President, in his veto message, objects to this resolution on the grounds that the 60-day automatic termination provision is unconstitutional. This would seem to indicate that the President thinks the Congress is constitutionally obliged to take action to halt a Presidentially declared war. My reading of the Constitution, on the other hand, is that the Congress must take affirmative action to initiate a prolonged war, and is under no obligation to have to act each time a war is initiated by a President. This resolution does recognize that it is sometimes necessary for the President to act swiftly in emergency situations, without the prior consent of the Congress. It does permit him the flexibility needed to react swiftly and decisively in these rare situations.

Contrary to the contentions of the President's veto message I do not think the President would have been precluded from acting as past Presidents have in such emergencies as the Berlin crisis, the Cuban missile crisis and more recently, the Middle East crisis.

I think this resolution clearly recognizes that in these modern times, the war powers must clearly be shared powers between the President and the Congress. But it is designed to insure that we will never again be involved in a situation like the Vietnam War in which a President alone can conduct a protracted conflict without a specific authorization from the Congress. We in the Congress must, for constitutional and political reasons, play a much greater role in involving our Nation in any such war in the future.

While prior consultation and continued reporting to the Congress are essential elements in such a shared power arrangement, they do not alone constitute real shared powers. The Congress is rightfully demanding in this resolution a restoration of our war powers under the Constitution and a clear decisionmaking role in involving this Nation in a long-term commitment to hostilities.

The American people expect us to play such an active role, and the Constitution requires that we do. I strongly urge that this veto be overridden.

Mr. FRENZEL. Mr. Speaker, the 93d Congress has labored in some very difficult times. Almost from the day we convened, our country has been in a crisis of confidence in its political leaders and its political institutions.

Most of us know well our constituents' desires to rebuild the people's confidence in its Government. We have had plenty of opportunities this year to do so.

We have cried about election tactics, but we have failed to respond with legislation.

We have complained about the principle of executive privilege, but we have been unwilling to consider legislation to define it.

We have wailed over executive impoundment, but our reaction was a bill to encourage overspending.

We have preached about overspending but the Rules Committee has contained a bill that might help us to control our own excesses.

In each of these cases, despite our talk, the Congress has not met the test. We have failed in impoundment; failed in executive privilege; failed in election reform; failed to control our own spending.

But today we have a chance to make up for some of those failures by voting to override the veto of the War Powers Act. The act is good policy that fairly defines constitutional powers of both the Congress and the President. It gives us our first chance to show that we have learned something from our experience in Southeast Asia.

The War Powers Act is our own creation. We invented it. We improved it. We compromised it. And we made it a pretty good bill. It may not be perfect, but it is our own, and represents our first real effort to redefine powers and authorities we have allowed to slip away.

I have supported most of the President's vetoes, both this year and in the past because I thought most of them were worth supporting. But, this one is worth overriding, because in addition to being good policy, the act is a vote of confidence in ourselves. And I hope it will be an encouragement to the Congress in the future to build its legislation in the same, constructive way.

This may be one of the most important votes we have this year—or maybe in any year. We have here an opportunity to compensate for some other great failures. I hope the veto will be overridden.

Mrs. HOLT. Mr. Speaker, I would like to express my vigorous opposition to the legislation currently before us. The passage of House Joint Resolution 542, the war powers resolution is in my opinion, both unwise and potentially dangerous.

The purpose of this resolution is to clearly define Presidential authority and congressional responsibility for the commitment of U.S. troops in combat situations. Though I fully support legislative efforts to define such authority and responsibility, I strongly feel that the war powers resolution does not achieve its stated objectives.

The Constitution in article I, section 8, directly places the power to declare war with the legislative branch of Government. If we are sincerely interested in restraining the warmaking power of the executive branch then it would seem to me that we should insist on a strict interpretation rather than the unneeded congressional definition of the Constitution.

Mr. Speaker, I have no doubt that in the long run, the implementation of House Joint Resolution 542 will result in an expansion rather than limitation of executive power. In addition to the inconsistency of this legislation, I also object to it on the grounds that it permits major policy decisions to be affected by congressional inaction. During this session, we have continually discussed the need for a reassertion of congressional authority and responsibility. I support such a reassertion, but it will only be accomplished by congressional action. The adoption of this resolution will further relegate us to a passive role in the development and implementation of foreign policy.

I urge my colleagues to join me in sustaining the veto of House Joint Resolution 542.

Mr. BIAGGI. Mr. Speaker, I rise to strongly urge my colleagues to override the President's veto of House Joint Resolution 542. The sustaining of this irresponsible action could have a profoundly negative effect on the future foreign policy decisions of the United States.

The time is long overdue for the Congress to reassert itself in the formation and execution of major foreign policy decisions. The Constitution clearly spells out the fact that the Congress was to be the premier body in the determination of foreign policy, particularly in matters of war and the committing of troops. Yet during the last 20 years we have seen a major usurpation of this power by the Executive, with disastrous consequences. Yet the President maintains that House Joint Resolution 542 is unconstitutional. However, a more accurate observation would show that this legislation does not propose to affect the President's legitimate constitutional authority in matters of foreign policy, rather it seeks to establish more effective procedures for its legitimate exercise.

Inherent in the thinking of our Founding Fathers as eloquently expressed in the Constitution was the belief that an effective system of checks and balances between the three major branches of the Federal Government was crucial for a stable democracy. This legislation seeks to address itself to this goal by providing means for increased cooperation between the legislative and executive branches in matters of foreign policy.

Yet as important a goal as increased

cooperation is, the debacle of Vietnam was to be considered a reason for this legislation. This conflict represented the most flagrant abuse of Presidential power ever experienced in the long history of the United States. By virtue of the Presidential disregard for Congress, this great body was rendered virtually useless while three Presidents, citing their constitutional authority under the Commander in Chief clause, committed over 500,000 American troops without a declaration of war.

House Joint Resolution 542 would prevent any reoccurrence of a Vietnam-type war by virtue of the following provisions: First, the President would be required to submit a report to the Congress within 48 hours after committing U.S. Armed Forces to a conflict anywhere in the world. This report would have to be comprehensive and fully explain all reasons for the action. Further, House Joint Resolution 542 would insure that the committing of troops could not be for a period of more than 60 days without express congressional approval of an extension. Finally the resolution could require the President to disengage any troops through the passage of a concurrent resolution.

Contrary to the President's contention to the contrary, this legislation will enhance the U.S. ability to act firmly and decisively in times of international crisis. In fact, nothing in this legislation would have prevented the President from acting as he did in the recent Middle East crisis. The goal of this legislation is to simply provide a system of joint participation and decisionmaking between the Congress and the President in matters of war and peace, so as to prevent any tragic miscalculations which might lead us into an unnecessary war.

Mr. Speaker, this vote today could be one of the most important ones in the Congress for many years. This vote should not be viewed as a partisan issue, rather it should be an issue we vote on as concerned Americans, concerned and dedicated to the goal of providing a more effective method of promoting peace in the world. House Joint Resolution 542 will help achieve this enviable goal.

Mr. BOLAND. Mr. Speaker, today we must decide whether we should override the President's veto of House Joint Resolution 542, the war powers resolution.

In our examination we ought to concentrate particularly on our own constitutional obligations.

Only Congress has the power—and the obligation—to declare war.

The President, as Commander in Chief, has the responsibility to recommend a course of action to the Congress.

He is also responsible for the conduct of any hostilities.

We, the Members of Congress, have our own responsibility, that of deciding if a commitment of U.S. Armed Forces to a certain theater of conflict best serves the interest of the American people.

House Joint Resolution 542 reaffirms that responsibility.

It does not, as the President has contended in his veto message, impinge upon the flexibility or constitutional prerogatives of the President.

Rather it reasserts the constitutional warmaking power of the Congress.

It insures that congressional disapproval of Presidential initiatives involving our Armed Forces will prevent their continued involvement beyond a reasonable period of time.

Yet it offers no threat to Presidential direction of foreign policy since it provides for constant and close cooperation of both executive and legislative branches in the arrival at basic foreign policy objectives.

At the same time, the war powers resolution does not alter any of our existing treaties and security arrangements, including NATO.

Mr. Speaker, the power of determining war or peace rests with the Congress of the United States.

Previous Congresses—as this one—have allowed American Presidents to conduct wars and commit troops for long periods without congressional determination that such activities ought to continue.

The President now claims—again in his veto message—that House Joint Resolution 542 is unconstitutional, because it abrogates "authorities which the President has properly exercised under the Constitution for almost 200 years."

In a sense it is understandable that the President now in the White House could feel this way, since his experience as President would only reinforce the view that a President can make any disposition of troops or military forces as long as he does not call it "war."

I believe that we have the obligation to reassert—and firmly reassert—our constitutional, historical right to be the decisiontakers when it is contemplated that our Armed Forces shall be committed for long periods of time in any war.

House Joint Resolution 542 would place the warmaking hat squarely on the head of this body, where it has belonged and will continue to belong until our Constitution is changed.

I, therefore, urge all my colleagues in the House to vote to override the President's veto of this crucial legislation.

Mr. CLEVELAND. Mr. Speaker, I rise in support of House Joint Resolution 542 in the interests of reassertion of fundamental congressional warmaking powers under the Constitution. I voted for the original resolution as passed by this body and the conference version. Moreover, I have voted for war powers legislation in previous sessions and have been a cosponsor of such legislation.

Members who have followed the debate and other discussion in the RECORD know that I supported this particular bill with some reservations. My comments on this House joint resolution as it has evolved are covered by statements in the RECORD of March 29, at page 10388; May 24, at page 16884 and October 12, at page 33874.

Partly, these reservations concern the efficacy of mechanisms in the resolution to provide for affirmative congressional action, a vote up or down, in case a President initiates an action and is faced with a 60-day cutoff. And partly they concern the ambiguity in the enumeration of circumstances under which a President may initiate such action. I find it disturbing that the legislative history as reflected in the debate in both Houses suggests that the President's latitude is unduly restricted—reflecting the position of the veto message—and that the measure represents a 60-day blank check. The debate today has done little to resolve these uncertainties.

But the fundamental need for the Congress to resume its constitutional role transcends these reservations.

Indeed, much of what we do here today will not have effect unless and until this country and its will are tested. In that sense, our action today means nothing standing alone, in isolation. Whether it will represent the great step forward as sought by those of us who have long called for this aspect of congressional reform must await new challenges. In another sense, however, if this move to override prevails and is followed by similar action in the other body, the Congress will be a very different place indeed. Having seized the initiative, we will have committed ourselves to a degree of responsibility for which this body has not distinguished itself notably in recent years. This is particularly true in view of the war-weariness and the trend toward isolationism which I have discerned in the country.

This will place new demands on independence of judgment and a willingness to exercise leadership in the formulation of informed public opinion as to the true needs of our security during the remainder of this century. It was in recognition of this that I originally cosponsored similar legislation, and it is in the conviction that this body will respond constructively that I support this vote.

A concluding note: In the past, I have taken some care to state my position on vetoes, particularly when they have involved programs which I have supported as individual measures on their merits. Those in this session have largely involved domestic programs. In those cases I have taken the position that a veto by the President on grounds of economic impact, absent the ability of Congress to set our own priorities, injects a new element. In exercising fiscal restraint, the President has in effect been doing our job for us.

An exception was the matter of Senate confirmation of the Director of the Office of Management and Budget. Again, in the interests of congressional prerogatives, I had been inclined to vote to override in that instance, but was dissuaded by the degree to which the issue was cast by my friends on the Democratic side as a vote for or against the President, a referendum on Watergate, and the merits of the question were submerged.

Similarly, I would not be surprised to find some Watergate votes cast today, with the outcome interpreted domestically and perhaps abroad as a reflection on support for the President and his capacity to govern, particularly in the area of foreign affairs. I wish to make clear that my vote is not one of them, and cite as evidence my long-term advocacy of congressional reform and legislation

similar to this. In fact, a primary motivation for my support for this measure is the conviction that Congress must share in the consequences of decisions affecting military policy. For too long, the Chief Executive has borne the brunt of responsibility for the exercise of war powers. Thus it will be of benefit to the Congress, the Presidency and the country that henceforth, after a tough decision by the President, this body will have to do more than make Monday morning speeches and make cheap shots from a privileged sanctuary.

Mr. ROBISON of New York. Mr. Speaker, much has happened during the short space of time since our last debate on House Joint Resolution 542. The inflammation of the "Watergate crisis" and the swirling national debate over Presidential impeachment threaten to add new, and irrevelant, connotations to previously stated arguments in support of votes for and against this war powers legislation. Specifically, today's vote to override the President's veto of this measure could easily be interpreted outside of Congress to mean more than is intended by it.

What has happened in recent days in no way alters my own longstanding conviction that there is something very wrong with the way our Government has gone about committing U.S. troops during the last 25 years. This is a matter of concern which has caused me to spend several years studying, drafting, and revising war powers legislation; and it is from arguments based on decades of history—not weeks—that I am convinced we must try to write the provisions of this bill into the law of the land.

When we debated House Joint Resolution 542 last July, I stated to my colleagues that the pending war powers legislation was preeminently a check on human judgment in both the executive and legislative branches of the Federal Government, and that the war powers bill was the best discernible approach to set the standards for a truly careful and conscientious judgment before the President and Congress would consider sending this Nation's young men to war.

Given the evolution of executive war powers during this century, and given the strong contention of many Presidents that these powers must remain wholly with the executive branch, I have long assumed that my espousal of war powers legislation might culminate in the vote we must cast today. It has been my intention to see this issue through to the end, since that day months ago when I joined my colleague from New York (Mr. HORTON) in introducing one of the first war powers bills in the House.

Since that time, I have been asked on a number of occasions if I would support a veto override on the war powers bill, if it ever came to that. I have consistently said I would, for reasons stated to this body in several prior instances and, Mr. Speaker, thus I will do so today. I do so, because I find myself in basic agreement with the thrust of this bill, and because I think it imperative that, through House Joint Resolution 542, Congress move to right the checks and balances between the legislative and executive branches in this area of concern.

We will do this by assuring that both the President and the Congress have available the best and fullest possible information before a decision is made to commit American troops. We will further contribute, through the mechanisms of House Joint Resolution 542, to nationwide support for such a decision so that, when this country must deploy its military forces, it is clear to all other powers that both the Government and the people stand behind that deployment.

It is illustrative of this intent that the bill before us is primarily concerned with the steps Congress must take to carry out its constitutional responsibilities to declare war and to raise and support armies. By directing the procedures for committee action and floor consideration and by specifying the time frames for these actions, the war powers bill requires that Congress now put its own house in order, so that it can properly carry out the exercise of its constitutional war powers.

Since we must vote today to override the President's rejection of this bill, there is obviously still less than universal agreement on the respective constitutional duties of the President and the Congress in committing U.S. troops. That is an issue for debate over which responsible men will continue to have differences. For instance, I had hoped that Congress would have been forced, under this legislation, to approve or disapprove by its own vote, any emergency troop commitments made by the President.

Yet, in the aftermath of decades of congressional acquiescence, I think it important that Congress now seek to define its own constitutional war powers, and seek to do so in a manner which does not inhibit the President's ability to respond quickly whenever our national security is threatened. From my point of view, this bill does accomplish this objective..

The President's recently demonstrated ability to act quickly and convincingly in response to a threatened escalation of the Arab-Israeli war would not have been affected in any way by the provisions of this bill. However, had the President moved to deploy U.S. troops to the battlefield, he would have been required under House Joint Resolution 542 to notify Congress of the conditions which occasioned that action, and the procedures thereafter spelled out would become applicable.

We can be thankful that, in this instance, the President's skillful diplomacy quickly reduced the necessity for U.S. military intervention. Yet, in no small measure, the support evidenced for this legislation in the Congress has resulted from the public reaction to a prolonged undeclared war in Indochina. The message carried by this legislation is clear—no more Vietnams.

It should also be clear that a nation still reeling from the doubts and divisiveness of the Indochinese war would have demanded the broadest possible consensus before consenting to armed involvement in the Arab-Israeli war.

The anticipation of such a situation continues to convince me that we must have the working mechanisms of House Joint Resolution 542 to assure that the President has the full support of the Nation when he must engage the military. That is why I will vote to override the President's veto, and that is why I urge my colleagues to do the same.

Mr. RARICK. Mr. Speaker, Members are being told in debate here on the floor that we have only two alternatives: By voting to sustain the veto, we are supporting the President's interpretation that by implication he has unlimited war powers; or, by voting to override, we are supporting the argument that this legislation is necessary to limit the President's "war powers" by establishing a specific time limitation on his "powers." Thus, in effect, this legislation grants the President warmaking powers.

We must not be misled by this. There is another alternative. A Member can vote to sustain the President's veto and in so doing uphold the Constitution, which gives to the Congress—and only to the Congress—the power to declare war. The President has no war powers, express or implied, which are not ratified or sanctioned by an act of Congress.

Article I, section 8, clause 11, clearly gives the power to wage war to the Congress. It reads:

> The Congress shall have Power . . . To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

There is no mention whatsoever in the Constitution of the United States about any "war powers" of the President.

If there were only two alternatives, as is being suggested by debate, the President would gain powers regardless of the outcome. Regardless of the way this vote goes, if these are the only two alternatives, he will be granted "war powers."

Mr. Speaker, I do not believe that the Constitution of the United States can be amended by legislative action such as that proposed here, nor do I believe that this Congress should attempt by legislative action to, in effect, justify our past involvement in Korea or Vietnam. The notion that the President has war powers is erroneous; the Constitution is clear on this.

I took an oath to "bear true faith and allegiance" to the Constitution. I cannot, therefore, support this legislation and will cast my people's vote to sustain the President's veto.

Mr. ASHBROOK. Mr. Speaker, I have long had an intense interest in the issue of war powers of Congress and the President. Five years ago I introduced a constitutional amendment to limit the power of a President to dispatch troops and wage war. At that time I stated "few issues concern the American people any more than this whole matter of brushfire wars, escalation, and commitment of troops to virtually every struggle throughout the world."

Again—in May of this year—I introduced the Bricker amendment. This constitutional amendment would help restore a proper congressional role in foreign affairs and prevent treaty wars such as occurred in Southeast Asia.

The issue is not whether you are a Republican or a Democrat or a hawk or a dove. The issue is whether Congress will act to repair the damage done to our Constitution during the past 20 years

and stop unnecessary and costly involvement in every brushfire war in the world. The time is long overdue for Congress to restore proper constitutional processes in the formulation and execution of our Nation's foreign policy.

Although I do not agree with every provision in this bill, I do believe that it offers a responsible, affirmative answer to a recurring dilemma. There may be some Republicans who are reluctant to override the President's veto in light of his current difficulties. However, the need to get our Nation on a right course and to restore basic constitutional principles is far more important than our personal sympathies. Therefore I will vote to override the President's veto of House Joint Resolution 542, the war powers resolution, and I urge my colleagues to do the same.

Mr. MIZELL. Mr. Speaker, the House today is faced with one of the most critical issues it has faced all year, an issue that could possibly have the same kind of consequences that flowed from the Neutrality Acts passed by the Congress of two generations ago.

The war powers resolution, which President Nixon vetoed and which we are about to vote on again, may well have a similar effect on international events that the Neutrality Acts had.

The resolution is as poorly written as it was unwisely conceived. The major section of the resolution permits the Congress, through sheer inaction, to force the President to terminate the use of American Armed Forces within 60 days unless Congress declares war, extends the deadline, or is physically unable to meet, because of an armed attack in the meantime.

If the Congress fails to act, regardless of the reason, our Armed Forces must be withdrawn.

I believe the issue of war and peace is much too important to be decided by a failure to act. I believe our responsibility lies in a positive action to either endorse or disagree with a President's initiative in an emergency situation.

I have often spoken in the past of several so-called end-of-war amendments that would have tied the President's hands if they had passed. The resolution we are considering today puts the President in a virtual straitjacket that could leave this Nation in great peril one day.

We need look no further than the Middle East situation as it exists today to see that a crisis of dangerous proportions could arise at any time, requiring bold and immediate action by the President acting as Commander in Chief.

I am convinced that the President must have a degree of flexibility and latitude to meet any military crisis that might arise. And I believe that to the degree that flexibility is impaired, the hope for stability is impaired as well.

There is no question that the Congress has a constitutional role in the making of foreign policy and in the waging of war when necessary. But this legislative attempt to define the role of the legislative branch has served instead to overly confine the role of the Executive.

I hope with every other American that peace will someday reign throughout the world, but the strongest hope for peace in the world still remains with a strong United States of America and a strong and decisive Commander in Chief.

Ms. HOLTZMAN. Mr. Speaker, I intend to support the attempt to override President Nixon's veto of the war powers bill.

As I have stated before on the floor of this House and elsewhere, I have had enormous reservations about the propriety and even the constitutionality of the war powers bill. In particular, I was concerned that the bill, instead of limiting a President's powers to commit U.S. military forces to hostilities in the absence of congressional approval, would permit him to commit troops for 60 days without congressional approval.

The events that have occurred since my first analysis of the bill have, however, caused me at this time to support it against President Nixon's veto. I have done so for the following reasons:

First, in vetoing the bill, President Nixon stated that it was unconstitutional, claiming essentially that he has unlimited power to commence a war. The President's analysis of his constitutional powers is completely and categorically inaccurate. By sustaining the veto we would be lending credence to his position.

Second, this is a time during which our country is undergoing an extraordinary crisis of confidence in our Government. It is clear that Presidential abuse of powers must be corrected and limited if we are to restore the people's faith in our democratic system.

Third, because of the objection that I previously raised that the bill improperly adds to Presidential powers, sufficient legislative history has now been created in answer to those arguments to satisfy my constitutional qualms. It is perfectly clear from those who support the legislation that this bill in no way adds to the limited war powers that the President has under the Constitution. I think the legislative history, at least, makes it perfectly plain that the bill is not designed to allow the President to place troops abroad for 60 days if Congress does not so approve it. I am pleased that because of the position that I took the legislative history of the bill has now been clarified.

The major feature of the bill is its requirement that the President withdraw any troops from hostility in the event that Congress has not approved their use within 60 days. This provision is extremely important. The automatic cutoff will require a President to think out very carefully his willingness to commit American troops because he knows that unless his action has the support of the American people he will have to remove the troops in 60 days.

The automatic 60-day troop withdrawal provision is also important because there is no other institutional mechanism for stopping an illegal war once it has begun. We cannot rely on the courts for an expeditious decision striking down the constitutionality of illegal Presidential warmaking powers. My experience in challenging the Cambodia bombing in the courts demonstrated that principle sadly but conclusively. Nor can we turn to the congressional procedures for cutting off appropriations or impeachment as speedy alternative means to check an illegal war. History has shown that impeachment is often impossible and cutting off appropriations lengthy, time-consuming and subject to a veto. Thus, the automatic 60-day cutoff in this bill gives all of us at least a guarantee that an illegal Presidential war cannot be perpetrated forever.

I would be less than frank if I did not say that I am still disturbed by this bill. It is not the best bill we could have had and it does not really address the problem of restoring congressional control over the decision to commit American lives and tax dollars to a war. Nonetheless, it is clear that this is the only bill that we could have at this time and for that reason and because I still believe that the bill can be significantly improved, I will support it and will reject the President's arugments that he has unlimited power to commence and continue a war without congressional approval.

Mr. DELLUMS. Mr. Speaker, I opposed this bill when it first came before the House and also when the Senate-House conference version was voted upon. I still oppose it today, although this will be the first time I have ever voted to sustain a Presidential veto. The bill has not changed any, and I see no reason to change my mind just because Mr. Nixon, for his own reasons, also opposes the bill.

I believe those liberal Congressmen who are switching their vote today are a victim of symbolic politics, where a symbol of accomplishment is preferred to the reality. Richard Nixon is not going to be President forever. Although many people will regard this as a victory against the incumbent President, because of his opposition, I am convinced it will actually strengthen the position of future Presidents.

These President-Congress confrontations are not always what they seem. I call my colleagues' attention to wage-price controls and also revenue sharing, which were regarded at the time as liberal victories, but were used by the President for his own purposes. I believe many Congressmen will live to see the mistake they made in allowing any President a free hand for 60 days to commit troops anywhere in the world for any reason, with the same opportunity to put pressure on Congress that we saw during the Indochina war. The pious statement of intention in the preamble changes nothing. This is a very high price to pay for the pleasure of shaking our fist at the President. Mr. Speaker, I urge that this bill be defeated.

Mr. CULVER. Mr. Speaker, I am today again voting against the war powers conference bill, not because I disagree with its objectives, but because the means employed actually work against those objectives. The measure—an unsatisfactory bargained compromise between two clashing bills—would in my judgment

weaken rather than strengthen congressional participation in the momentous decisions of war or peace. It would do so by giving the President a blank check to wage war anywhere in the world for any reason of his choosing for a period of 60 to 90 days. This is an abdication of the responsibility squarely placed on the Congress by the Constitution.

No one believes more strongly than I do in the critical necessity to redress constitutional imbalances in the allocation of power as between the Executive and the Congress. President Nixon has grievously abused his constitutional authority in numerous fields, prominently including war powers. I believe the strong majorities in support of the war powers legislation have clearly "sent him a message" which I strongly join: Do not presume upon congressional acquiescence.

But the President's abuse of the Constitution should not be taken as an invitation for us to do likewise. We are legislating not just for today, but for the indefinite future.

We should exercise great care if we attempt to chart with statutory precision in areas of shared constitutional authority and responsibility.

This is all the more true when we recognize that what we are presumably legislating against derives in good part from a failure of Congress to exercise vigilantly the existing powers and remedies which it clearly possesses.

I deeply respect the time and devotion which so many members of both bodies have given to this complex issue. But I believe with equal force that we are not fulfilling our fundamental obligations by passing legislation which, however, worthy its goal, only introduces new ambiguities into our constitutional system and into the proper conduct of foreign policy.

Ms. ABZUG. Mr. Speaker, today's vote in the House is a vote of no confidence in the President's use of power.

I have criticized this bill in the past and voted against it, because it gives the President power that he does not now have under the Constitution. It gives him 90 days in which to commit our forces anywhere in the world, only requiring that he report to the Congress within 48 hours on what he has done.

On the other hand, the President claims that the bill does not give him enough power. I only hope that it will prove to be, in fact, limiting.

Until today, Congress has not been able to override any Presidential veto in this session. But today's vote comes at a time of revulsion of the people against the crimes and corruption in this administration. The lack of confidence among the people is reflected in this House, which finally has mustered the strength to override this ninth Presidential veto.

This could be a turning point in the struggle to control an administration that has run amuck. It could accelerate the demand for the impeachment of the President. On that basis, I will vote to override the veto.

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of House Joint Resolution 542, the war powers legislation. I have supported this legislation with certain reservations since it was first discussed on the floor of the House some months ago. I say certain reservations because I wanted to be sure that any war powers legislation guaranteed as a matter of law that any U.S. troop commitments abroad would be voted on by the whole membership of Congress. I did not want, and would not support, any legislation which would make it possible for Congress to "take a walk" and fail to exercise its proper leadership position in such decisions.

The war powers bill that emerged from conference incorporates the necessary procedural safeguards to insure a congressional vote on issues involving U.S. troop commitments abroad. Consequently, I can wholeheartedly endorse this bill.

The history of the past decade illustrates that present congressional mechanisms in respect to U.S. military involvement abroad are clearly inadequate. Short of declaring war, there is little Congress can do to deal with situations like Vietnam or the Middle East. A clear-cut and well-defined congressional procedure, such as that outlined in this legislation, can prevent U.S. involvement in future, no-win conflicts by an early statement of the intentions and will of Congress and the American people.

I would like to end my remarks with a brief but stern warning to those in the press and the Democratic party who have tried to make this vote a pro-President or anti-President vote. It is not.

My decision and the decision of many of my Republican colleagues to vote to override the Presidential veto of this legislation is in no way a criticism of the President or of his handling of the Middle East crisis. Let it be clear that we support the President on his handling of foreign affairs from Vietnam to the Middle East. But the recent international crisis has served to highlight the need for a more effective and positive congressional response to situations involving U.S. troop commitments abroad.

The SPEAKER. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

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

The question was taken by electronic device and there were—yeas 284, nays 135, not voting 14, as follows:

[Roll No. 563]

YEAS—284

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dent
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Gude
Gunter
Haley
Hamilton
Hammer-schmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Ichord
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Landrum
Lehman
Leggett
Litton
Long, Md.
Lott
McCloskey
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Mosher
Murphy, N.Y.
Natcher
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ryan
Sandman
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shuster
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stubblefield
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—135

Abdnor
Arends
Baker
Bauman
Beard
Bennett
Blackburn
Bolling
Bray
Breaux
Breckinridge
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Camp
Casey, Tex.
Cederberg
Clancy
Clawson, Del
Collier
Collins, Tex.
Conable
Conyers
Culver
Daniel, Robert W., Jr.
Dellums
Denholm
Dennis
Derwinski
Devine
Dorn
Eckhardt
Eshleman
Fisher
Ford, Gerald R.
Frelinghuysen
Gettys
Goldwater
Goodling
Green, Pa.
Grover
Gubser
Guyer
Hansen, Idaho
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Pa.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lent
Long, La.
Lujan
McClory
McCollister
McEwen
Madigan
Mailliard
Martin, Nebr.
Michel
Miller
Mitchell, N.Y.
Mizell

Moorhead, Calif.	Ruth	Towell, Nev.
Myers	Satterfield	Treen
Nedzi	Scherle	Vander Jagt
Nelsen	Quillen	Waggonner
Nichols	Sebelius	Walsh
O'Brien	Shoup	Wampler
Parris	Shriver	Ware
Passman	Sikes	Whitehurst
Poage	Skubitz	Wiggins
Powell, Ohio	Spence	Williams
Rhodes	Steed	Wilson, Bob
Roberts	Steiger, Ariz.	Wydler
Roncallo, N.Y.	Stratton	Wylie
Roybal	Stuckey	Young, Alaska
Price, Tex.	Symms	Young, Fla.
Schneebeli	Talcott	Young, S.C.
Robinson, Va.	Taylor, Mo.	Young, Tex.
Rarick	Teague, Tex.	Zion
	Thomson, Wis.	

NOT VOTING—14

Bell	Hébert	Patman
Blatnik	Jones, Tenn.	St Germain
Burke, Calif.	Mahon	Stanton, James V.
Davis, Wis.	Mills, Ark.	
Ford, William D.	Moss	
	Murphy, Ill.	

So, two-thirds having voted in favor thereof, the joint resolution was passed, the objections of the President to the contrary notwithstanding.

The clerk announced the following pairs:

Mrs. Burke of California with Mr. William D. Ford.
Mr. Hébert with Mr. Jones of Tennessee.
Mr. Blatnik with Mr. Davis of Wisconsin.
Mr. James V. Stanton with Mr. Moss.
Mr. St Germain with Mr. Bell.
Mr. Murphy of Illinois with Mr. Mahon.
Mr. Mills of Arkansas with Mr. Patman.

The result of the vote was announced as above recorded.

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that the Chair will recognize Members under the 1-minute rule, and for other unanimous-consent requests at this time.

THE CASE OF ALEXANDER LERNER

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

Ms. ABZUG. Mr. Speaker, as an American who is deeply committed to the attainment of human rights for all people, I feel compelled to emphasize that emigration from the Soviet Union is restrictive and far from free.

Alexander Lerner, a leading Soviet scientist in the field of cybernetics, and a former member of the Communist Party, believed that Jews would assimilate into Soviet society. But the Soviet requirement to have a nationality listed on one's identity papers, the rise of discrimination against Jews in the academic field, and the assertion of Jewish national consciousnes displayed by defendants in the Leningrad trials changed his mind.

In September 1971 Lerner applied for an emigration permit to Israel. One month later, he was dismissed from his position at the Institute of Control Problems in Moscow. He was also expelled from the Communist Party.

Alexander Lerner has been waiting for an exit visa for 2 years. The reason given for the delay is that he needs security clearance. This rationale is rejected by Lerner who asserts that the classified work he did 15 years is no longer secret. Nor is Alexander Lerner intimidated by authorities who say he will not get permission to leave because he is a very valuable scientist. His answer is:

But I am a free man. I am not a slave.

All the members of Alexander Lerner's family hope to emigrate from the Soviet Union soon. These are: His wife, their son Vladimir, their son-in-law Boris Levin, both engineers and both now employed at unskilled work at a doll factory—and finally Boris' wife, the former Sonya Lerner, a brilliant mathematician. She is an expectant mother and the family hopes that the first Lerner grandchild will be born in Israel.

Mr. Speaker, it is urgent that this session of Congress demonstrate our sincere commitment to the human right of free emigration for all people.

PROPOSED CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS THAT RICHARD M. NIXON SHOULD RESIGN AS PRESIDENT

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

Mr. LONG of Maryland. Mr. Speaker, I am herewith today submitting the following concurrent resolution:

H. CON. RES. 376

Concurrent resolution expressing the sense of Congress that Richard M. Nixon should resign from the Office of President of the United States.

Whereas numerous resolutions of impeachment and censure against Richard M. Nixon, President of the United States, are now being considered by the Congress; and

Whereas the process of impeachment and trial would necessarily be protracted over a period of months, if not years; and

Whereas during this extended period the defense against these charges must inevitably occupy most of the thoughts of the President and the energies of his advisers to the exclusion of the proper considerations of governing this nation; and

Whereas this country is now facing certain severe domestic and international crises requiring a President who can be free to devote his entire time and energies to solving them: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that for the good of our beloved Nation Richard M. Nixon should resign from the Office of President of the United States.

PERSONAL STATEMENT

Mr. WIDNALL. Mr. Speaker, on November 6, 1973, on rollcall No. 561, on H.R. 10937, I was unavoidably absent and, therefore, unrecorded.

If present, I would have voted "yea."

ELECTION REFORM

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

Mr. FRENZEL. Mr. Speaker, for nearly a year this Congress has been sharply critical of the campaign tactics of 1972, particularly those of the Committee to Re-elect the President. On one hand the Senate has backed up its talk with action by passing S. 372, an election reform bill. On the other hand, this House has as yet failed to show that it has any more than a "talk interest" in this matter.

Election reform is the single most important way, and perhaps the only way, we can show the people that our concern for clean elections is more than talk.

Since we are all certified experts on elections, we may all cheerfully disagree on both the elements of election reform and the priority of those elements, but I believe that most of us agree that reform is needed, and needed right now. We cannot afford to let this year slip by or we will have lost the chance to affect the elections of 1974.

The eyes of the public are on us. If we do not pass an election reform bill this year, we will have failed the test of leadership.

THE EXPEDITIOUS CONFIRMATION OF GERALD R. FORD AS VICE PRESIDENT

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

Mr. SISK. Mr. Speaker, I simply desire to take this time to commend our colleague, the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO) for his announcement in connection with proceeding expeditiously with the confirmation of GERALD R. FORD to be Vice President of the United States. I think certainly that the country is desirous that this matter be settled and be settled quickly.

I, for one, have pledged my support for the confirmation of GERALD R. FORD, assuming that the investigation proves satisfactory, as certainly I would expect it to do.

I want to commend and urge the committee to push forward with this action as rapidly as possible.

RECOMMITTAL FOR TECHNICAL CORRECTIONS OF CONFERENCE REPORT ON S. 1081, AN ACT TO GRANT RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the conference report on S. 1081, to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, be recommitted to the committee of conference for the purpose of directing the committee to make technical corrections.

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

There was no objection.

APPOINTMENT OF CONFEREE ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

The SPEAKER. The Chair appoints as a conferee on the bill S. 1081, granting

rights-of-way across Federal lands, the gentleman from California, Mr. HOSMER, to fill the existing vacancy.

ELECTRONIC SYSTEM NOT INFALLIBLE

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

Mr. GONZALEZ. Mr. Speaker, recently the Congressional Quarterly sent a card asking me to report how I would have voted if I had voted on rollcall 497, on October 3, 1973, on the Big Cypress National Preserve. I was puzzled because I knew that I had been present and voted every single time since the recess, and that on this particular issue I had been congratulated for my vote. I had voted aye, had known and remember to have known that I inserted my card twice as I had been advised that this was the way to double check the registration of my vote electronically.

I then checked the record and the Clerk and discovered that indeed I was shown absent. The record shows I was present that day for everything else, so I knew a mistake had been made. I was told that a chance of a malfunction was improbable; that maybe an error in the printing shop could account for it. Apparently, this was not the case. In any event, I am told there is no recourse from an electronically recorded vote. The machine is infallible. I know now this is a big mistake and that we, the Members, are precluded from correcting errors. I am therefore voting by card. I trust and pray the cards are kept and not destroyed, at least during the duration of the session.

PROVIDING FOR CONSIDERATION OF H.R. 11104, INCREASE OF TEMPORARY LIMIT ON PUBLIC DEBT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 687 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 687

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. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

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

Mr. Speaker, the Members might be interested in hearing the explanation of this rule. Last week the Committee on Rules reported out of the Committee on Rules a very unusual rule dealing with the consideration of the debt limit.

It was a rule which would have provided for the consideration of the debt limit under an open rule and for the consideration without the intervention of any point of order of one amendment which would have included the texts of two bills, H.R. 11155 which dealt with minimum tax and H.R. 11158 which dealt with a social security increase.

The debt limit at the time was scheduled to be considered by the House of Representatives on the next day. The Committee on Ways and Means, which of course has jurisdiction over the debt limit, convened the next day and decided not to bring up the debt limit under those circumstances and announced that it intended to proceed with considerable speed on the matter of social security, which was one of the matters which would have been made in order, and it has done so, today I believe reporting out a social security proposal which I will ask to be explained later when I yield 10 minutes to the chairman of the Committee on Ways and Means for that purpose. I hope that at the same time he will also convey to the House whatever plans the Committee on Ways and Means may or may not have with respect to the question of tax reform.

The reason for the rather unusual rule was that a great many Members of the Congress were concerned that there be consideration given promptly to both these matters, the matter of an increase in social security, a prompt increase, and the matter of prompt consideration of the extraordinarily difficult problem of tax reform.

There had been a rather strange record, which perhaps was the result of the illness of the chairman and of the enormous burden on the committee, on the subject of the consideration of tax reforms this year.

In any event there were a great many people who would have liked to have had an opportunity and who would still like to have an opportunity to vote on the question of tax reform and also on the question of social security. The Rules Committee action was in the nature of an indication to the Committee on Ways and Means that there were more ways to skin a cat than to start at the tail.

It is perfectly possible for the House of Representatives acting through its committees to achieve consideration of matters other than through the normal, usual, and ordinarily wiser committee process. The Rules Committee in the past has exercised that option on a variety of matters. The Rules Committee has on occasion even brought up bills that had never been introduced.

The Rules Committee made that decision last week, and a great many things happened, and now it is this week. Yesterday the Rules Committee reconsidered that rule. It was before the House by then and theoretically I could have called it up today if I had chosen if recognized for that purpose. I did not choose to do so because enough had happened to justify in my judgment the passage of the rule originally requested by the Committee on Ways and Means.

I am well aware that some of those who supported the original rule, who supported the original proposition, who are the authors of the two bills made in order by the first rule, violently disagree with the position that I am taking now, so in order to be fair I propose to yield 10 minutes to the chairman of the Committee on Ways and Means to dispose of as he pleases, for debate of course, and 10 minutes to one of the authors of the legislation made in order by the first rule, so that the authors will have an opportunity to express their views on what should be done now.

For myself I have come to the conclusion that at least at this time, as a member of the Committee on Rules, I intend in this particular rule to support the rule that I called up and to support the ordering of the previous question on that rule. I believe that is the way in which in the long run in this particular case we will accomplish the most. I reserve the balance of my time.

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

Mr. Speaker, the distinguished gentleman from Missouri (Mr. BOLLING), has correctly described the situation dealing with this resolution.

Mr. Speaker, House Resolution 687 provides for the consideration of H.R. 11104, to increase the temporary limit on public debt. This is an open rule with 2 hours of general debate, and in addition, waives points of order for failure to comply with clause 4, rule XXI, dealing with appropriations on a legislative bill.

The primary purpose of H.R. 11104 is to increase the overall public debt limit from the present $465,000,000,000 to $478,000,000,000.

Existing law provides for a permanent debt limit of $400,000,000,000. Effective through November 30, 1973, existing law also provides a temporary additional limit of $65,000,000,000. This bill provides for an increase in the temporary additional limit to $78,000,000,000. It also extends the temporary additional limit from November 30, 1973, to June 30, 1974.

The administration has requested an increase in the overall debt limit to $480,000,000,000 through June 30, 1974.

The committee report also makes it clear that the Committee on Ways and Means intends that existing law be interpreted to allow the interest rate on U.S. savings bonds to be 6 percent instead of 5½ percent.

The Committee on Ways and Means estimates that there will be no additional cost to the Government, as a result of this bill.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on this important legislation.

Mr. BOLLING. Mr. Speaker, I yield 10

minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I thank the gentleman from Missouri for his fairness.

In a sense, I rise in support of the House Commitee on Rules—at least the House Committee on Rules that had its moment of greatness and truth a week ago, when it decided we were all over 21 years old and that we were quite well equipped here in the plenary session of the House to determine whether something fair might not be done for the old folks, and whether it would not be a good idea to inject a little fiscal responsibility into the tax deliberations of the Nation.

The amendment which the then great Committee on Rules promulgated a week ago, and from which it has now unhappily retrogressed, would have made in order the amendment which I propose to offer, if we can just get a little cooperation in voting down the previous question.

It would give senior citizens a much needed 7-percent social security increase starting in January. It would pay for it by tightening the minimum tax on loophole income, rather than by further piling it on the moderate-income wage-earner.

Right after that superb rule was handed down last week, things began to happen. Just as in a Japanese Noh play, the Ways and Means Committee recalled the bill from the floor. Lobbyists for every major tax loophole descended on the Capitol. Finally, we saw the Committee on Rules reverse itself and tell us that here on the floor we cannot have the opportunity to do right by the old folks in the next half of this fiscal year, and to close loopholes in a responsible manner.

Fortunately, we do have the opportunity to back up today the original Rules Committee rule. We can do that by voting down the previous question on the restrictive rule now before us, then voting in favor of the amended rule, making in order social security cum tax reform, and then finally voting to attach that amendment to the debt ceiling bill.

If we want to comfort the old folks and afflict the tax avoiders, rather than the other way around, the only way to do it is by voting down the previous question today.

Yesterday the Ways and Means Committee by a 13-to-12 vote barred an increase in social security, not only for the first 3 months of 1974 but for the entire first 6 months, and proposes to pay for the increase in social security after that date not by tax reform, but by loading it onto the average $13,000 a year truck-driver or steelworker or autoworker, who is going to have his social security tax raised 22 percent next July 1 under the proposal.

Here is the reason given by the Committee on Ways and Means for its failure to do the right thing by the old folks, to do the right thing by fiscal responsibility. That is impossible, says the committee, because Mr. Nixon will not allow it. He is going to veto such a bill.

It is about time that we cease living in fear and trembling of the White House, and undertake steps here on the floor of the House so that the will of this body may be properly reflected in finished legislation.

The only way we are going to get social security help in the fiscal year 1974, at least in the first 3 months of it, because I understand the Committee on Ways and Means has now done something about the second 3 months, the only way we are going to get started on tax reform, is by attaching it to the veto-proof debt ceiling bill before us.

It matters not how many worthwhile bills with sensible social security provisions we bring up next week that the President is going to veto on the ground that they are fiscally irresponsible. They simply are never going to see the light of day, because despite this afternoon's earlier superlative effort on the war powers bill, the general record of this House has been to sustain the President's veto.

Therefore, let us vote the previous question down, so that we can strike a blow for the old folks and for fiscal responsibility at one and the same time.

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

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

Mr. VANIK. Mr. Speaker, I support the effort of the gentleman from Wisconsin to open up this bill to tax reform and social security amendments. It certainly seems to me that it is a legitimate function of the debt management to consider the need for revenue raising tax reform. If we had a little more revenue, the need for new debt legislation would disappear. It is also appropriate that this opportunity to provide a meaningful and immediate social security increase be taken.

Frankly, we can be sure that the President will veto almost any tax reform legislation. When the Secretary of the Treasury was asked in the Ways and Means Committee whether the President would veto the weak minimum tax amendments he proposed this spring, the Secretary could not answer with immediate and definite certainty. We saw last year how the President threatened to veto the social security increase unless it was scaled down—but later he took credit for that same increase. Now that he cannot stand for election, I believe that he will veto any kind of social security increase which occurs prior to July 1, 1974, the next fiscal year.

It is clear that if we really want tax reform and adequate social security, we must attach those provisions to a veto-proof bill such as this public debt ceiling bill.

During the past week, I understand that many Members have been deluged with complaints from the oil industry about the effect of this legislation on their industry. It is time that we look at the record of the oil industry. If an industry is facing shortages, Government investigations, and possible antitrust suits one would think that its profits would go down. However, the reverse is true with the oil industry. For the third quarter of 1973, at the same time that the petroleum industry was begging for price increases from the Cost of Living Council, the major oil companies were posting profit increases of 59 to 91 percent over the same quarter a year ago. This is not a one-time phenomenon. Following is a table showing the second quarter profits of the Nation's 10 largest oil companies compared with their profits in 1972:

ED QUARTER PROFITS OF THE NATION'S 10 LARGEST OIL COMPANIES

[Dollar amounts in millions]

Company[1]	Sales	Profits	Percent change from 1972
2xxon	$5,830.0	$510.0	+54
Mobil[2]	2,880.0	184.2	+41
Texaco[3]	2,727.0	267.5	+44
Gulf[2]	2,397.0	195.0	+82
Standard (California)	1,817.2	181.7	+42
Standard (Indiana)[2]	1,527.2	121.3	+37
Shell[3]	1,211.9	89.5	+54
Atlantic Richfield[4]	1,069.8	68.4	+50
Continental[3]	1,029.9	51.7	+24
Occidental	810.3	26.9	+566

[1] Ranking based on 2d quarter sales in dollars.
[2] Sales include excise taxes and other income.
[3] Sales include other income.
[4] Sales include excise taxes.

Source: Business Week; Aug. 11, 1973, p. 79.

The profit situation is obviously good. One large oil magnate recently chartered the *Queen Elizabeth II* to take over 1,000 of his guests to the dedication of a new refinery in Maritime Canada. Presumably this sea cruise, complete with caviar and free bars, will be claimed as a tax deduction by the oil company.

While the oil company profits are soaring and they are living higher on the hog than ever before, they are keeping their taxes as low as ever. Yes, the minimum tax we are proposing would result in higher taxes for the oil industry—and because they will have to pay a more responsible share, they are squealing like stuck pigs.

My analysis of the forms filed with the SEC by the 18 largest oil companies illustrates that the industry's effective Federal corporate tax rate in 1972 has been reduced to 8.3 percent.

The following is a breakdown by company of the effective tax rate paid last year:

OIL COMPANIES, 1972

	Adjusted net income before Federal income tax (thousands)	Approximate current Federal income tax (thousands)	Effective rate (percent)
1. Exxon	(1)		
2. Mobil Oil	$589,413	$17,300	2.9
3. Texaco Inc.	869,711	23,600	2.7
4. Gulf Oil	233,000	12,000	5.2
5. Standard Oil (California)	$334,207	$19,400	5.8
6. Standard Oil (Indiana)	390,096	74,682	19.1
7. Shell Oil	(1)		
8. Atlantic Richfield	211,301	16,141	7.6

	Adjusted net income before Federal income tax (thousands)	Approximate current Federal income tax (thousands)	Effective rate (percent)
9. Continental Oil	$207,445	$12,371	6.0
10. Tenneco	247,753	34,287	13.9
11. Phillips Petroleum	164,650	39,221	23.8
12. Occidental Petroleum			0
13. Sun Oil Co	182,291	9,044	5.0
14. Union Oil	152,166	9,800	6.4
15. Cities Service	$126,254	$32,662	25.9
16. Ashland Oil	(1)		
17. Standard Oil of Ohio	(1)		
18. Getty Oil	129,525	18,367	14.2
Total	3,837,412	318,875	8.3

[1] The minority interest and/or the income or loss reported under the equity method was not separately disclosed. Data for this company, therefore, has been omitted.

According to economists James Cox and Arthur Wright, the most significant factors leading to the industry's deflated tax burden is the operation of the foreign tax credit and the percentage depletion deduction. By their calculations, the foreign tax credit accounts for a 15-percent deduction. The intangible drilling expense deflates the effective tax rate by about 2.1 percent. Other provisions of the tax code operate to further reduce the Federal tax burden by 8.3 percent. Depletion reduces the total burden by about 14.5 percent.

The amendment which we are offering has the impact of reducing the depletion allowance rate to 11 percent—half the present rate. In general, this means that the total effective tax rate of the major oil companies might actually go from about 8 percent to about 15 percent.

Some would argue that this is a bad time to reduce the amount of after tax profits of the oil companies. Let me just say that they always had high after tax profits and have often avoided paying taxes or paid almost no taxes—but that did not prevent the energy crisis.

I would rather have the extra tax money so that this Nation could begin a true "Manhattan-type" crash energy research and development project. We could institute a government corporation, a sort of TVA, to help develop the 3 trillion barrels of oil locked in the Nation's western oil shale lands.

The oil industry has not been able to prevent the energy crisis; it will not be able to solve the energy crisis.

It is time that the American Government and the American people were freed from the power of this industry.

Mr. REUSS. Mr. Speaker, I thank the gentleman.

I would point out that a veto for meaningful tax reform is almost assured.

In April 1972, at the then Treasury Secretary John Connally's ranch to which the great tax avoiders of the Nation were invited, the President solemnly—and I am speaking from the White House's own tapes on this—promised them that the only thing wrong with the oil depletion allowance and the rapid depreciation loophole was that they were not big enough. With a White House attitude like that, the Members can see a veto surely attending any serious efforts by this body.

So, the way to achieve tax reform, and the way to begin to plug loopholes, is by voting down the previous question today, and thus sending to the White House in veto-proof shape a debt ceiling bill with the responsible addition thereon of tax reform, which is truly related to the debt ceiling, because the more we can make tax avoiders pay at least a pittance to the treasury, the less it is necessary to stand still for these additional endless increases in the national debt.

Therefore, I would urge Members who are genuinely concerned with tax reform to give us a break, and go along with us on the motion on the previous question.

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

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

Mr. CORMAN. Mr. Speaker, I would like to know what the gentleman's amendment does with respect to supplemental security income under social security provisions.

Mr. REUSS. Mr. Speaker, I am delighted to say to the gentleman that they are not quite as generous to the recipients in supplemental social security income as what I have been told the Ways and Means Committee did this afternoon. Thus, I will enthusiastically participate with the gentleman next week when that comes to the floor in tearing it down to a measure just containing the social security income improvements, so that we can see if we can get that one past the President. He will have my unstinting help.

Mr. CORMAN. Mr. Speaker, I still would like to know, what does the gentleman's amendment do as far as social security income reforms are concerned. I find nothing in the report as to that.

Mr. REUSS. That is right. It does nothing. It does nothing about social security income reforms, which is why the gentleman will find this Member at his side, not only for social security income, but for the other fine and glorious things which are unrelated to tax reform and which the gentleman is interested in.

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

Mr. COLLIER. Mr. Speaker, very briefly, the fact of the matter is that the amendment was proposed in a totally disorderly manner before the Committee on Rules. Although the Committee on Rules originally adopted it, the committee has now taken a different position, and it did absolutely nothing for that segment of the American people that admittedly were in need of the greatest help.

It just seems to me that this points up very clearly that when we attempt to legislate this type of situation, we can fire all the shotguns we want and we fail to address ourselves to the problems in a rightful manner, a manner that good legislation demands.

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

Mr. COLLIER. I will be glad to yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Speaker, I will ask the distinguished gentleman from Illinois whether, if I give him the opportunity, after we vote down the previous question, to amend my rule so as to permit him, the gentleman from California (Mr. CORMAN) and others to do those fine things for the disabled that he has in mind, he will take advantage of it.

I am all for him. I want to cooperate with him.

Mr. COLLIER. I certainly will, because—we met as a task force in a thoughtful manner—and I underline the word, "thoughtful" and recognized the gross inadequacy of the proposal and, come up with a proposal in the committee that addresses itself to the real problem.

Mr. REUSS. Mr. Speaker, I will be delighted to accommodate the gentleman from Illinois if he chooses to make a superb bill—that is, my bill—even more excellent.

Mr. COLLIER. Mr. Speaker, I do not think we are ever going to get a superb bill, any more than we got a superb proposal for tax reform, but I will say it is a vast improvement over what we were faced with.

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

Mr. LATTA. Mr. Speaker, I support this rule, and I hope that the House will have better judgment than the Committee on Rules did when it first considered this piece of legislation.

The Committee on Rules listened with interest to the gentleman from Wisconsin and the gentleman from Ohio on their proposals and then voted to give them the privilege of offering them the debt ceiling bill. It soon became apparent to the majority of the Rules Committee that all of the proposed tax changes were not adequately and completely explained by the sponsors when they testified in support of them.

I might say that it did not take too long thereafter for members of the Rules Committee to become familiar with what was being attempted. A reconsideration of the vote soon followed.

Now, I would hope that the House would not act in haste as the Committee on Rules did and would require full and complete hearings on these matters before taking action.

Everybody is for getting rid of tax inequities through tax reform and everybody is for an increase in social security benefits. We are all for these two proposals, but we are not all for doing it in

the dark on the spur of the moment in order to grasp a few headlines.

The gentleman from Wisconsin is asking us to vote down the previous question on this rule so that he can propose what he calls tax reform legislation without the benefit of committee hearings. Such an action by this House would be completely irresponsible.

I hope that we will have the good judgment to go along with the thinking of the Committee on Rules and the Committee on Ways and Means and permit these measures to come to the floor in proper form after proper hearings have been held.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. LATTA. Mr. Speaker, I know the Committee on Rules has been wrong in the past, but in this instance I think its action is correct and I support the committee.

Mr. REUSS. Will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman from Wisconsin.

Mr. REUSS. Let me say to the gentleman from Ohio I explained fully to the Committee on Rules, as I have been explaining to everybody in the CONGRESSIONAL RECORD and in other forums for a long time, precisely what the tightening of the Minimum Tax Act of 1969 involved. Of course, that involved a tightening of the oil depletion allowance. I simply cannot believe that those who suddenly changed their minds on the committee were unaware of the fact that since 1969 we have had a minimum tax on the oil depletion allowance, and therefore increasing the rate of that tax would simply mean those who took advantage of oil depletion would have to pay a little more.

Mr. LATTA. In reply to the gentleman from Wisconsin, let me say when he says he explained it "fully" to the Committee on Rules there appears to be a great difference between what "fully" means to him and what it means to the members of the Committee on Rules.

I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge my colleagues to vote for the previous question. This is no time to open up a bag of worms.

I have no further requests for time but reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield such time as he may use to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise in opposition to the rule, House Resolution 687. I urge my colleagues to substitute for it the rule granted last week by this same Rules Committee, House Resolution 672, which makes in order the tax reform/social security amendment of which I am a sponsor. The Rules Committee recognized last week the importance of a floor vote on the amendment, it is just as important to Congress and to the country this week. I think that everyone knows, at least everyone who reads the newspapers knows, what happened to turn that rule around.

Our amendment does two things. First, it raises the social security benefits by 7 percent, effective January 1, 1974. The Social Security Administration has told us that the checks with this increase cannot be mailed out until March, at which time the increase, retroactive to the first of the year, will appear. This will cost about $1.6 billion in fiscal year 1974, and will benefit 29 million people. Second, our amendment raises money to pay for this increase and for other things. We would tighten the minimum tax on preference income, which Congress enacted in 1969 at 10 percent but which is working out at only 4 percent. This would raise taxes on rich people and on large corporations — among them oil companies—who have large amounts of preference income. The tax reform would raise $3 billion a year and affect only 300,000 tax returns, of whom 100,000 are already covered.

That is not a bad tradeoff: $3 billion from a few hundred thousand taxpayers of great wealth to benefit 29 million retired workers.

There is another side to this amendment: The fact that if we put it on the debt ceiling, it is less likely to be vetoed than if we passed it as a separate bill, or two separate bills. We all know that Mr. Nixon is not enthusiastic about tax reform. And only this week, his spokesmen have told the Ways and Means Committee that he would veto any social security increase during the current fiscal year, despite the violent increase in the Consumer Price Index. So if we want to pass these measures, we are going to have to use the best tool available to us constitutionally: a virtually veto-proof bill.

Is there any question that we do want to vote for tax reform and for a social security increase? There is certainly none in my mind. Many of us, if not most, on both sides of the aisle ran for election last November on promises of some kind of tax reform. All of us have social security recipients in our districts unable to get along on benefits, now that the cost of essentials like food have gone up so sharply. And all of us are to blame when this Congress is called a do-nothing Congress, too passive and timid to to get even mildly controversial social legislation to the White House. If we fail to attach this amendment to the debt ceiling bill, even if we act later on separate social security or tax reform bills and set up a Presidential veto, we are going to have a lot of explaining to do in our districts this Christmas.

I urge my colleagues to vote down the previous question on the rule, vote for a substitute rule making in order our tax reform social security amendment, and then to vote for the amendment to the debt ceiling bill.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the distinguished acting chairman of the Committee on Ways and Means, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, first I want to express my appreciation to the now great Committee on Rules for bringing us this rule which I was asked to request from that committee by the Committee on Ways and Means when we originally appeared before them.

Let me say to the membership that when I appeared before the Rules Committee I made it very clear in my statement—and I think they understood what I was saying—that it was my intention as the acting chairman of the Ways and Means Committee expeditiously to bring before the House a social security measure that would take care of the problem of cost-of-living increases in an equitable way and also to bring before the Committee on Ways and Means a tax reform bill that would pick up some revenue and close some loopholes.

Because of the time frame I did not give them any assurances that this would be an extensive tax reform package, but I did say that it would be a responsible one which would pick up at least $1.5 billion in revenue. That is my present hope and intention.

Previously in open sessions in the Committee on Ways and Means, I had announced essentially the same information; namely, that it was my intention to bring to the committee for consideration before adjournment both the social security package and the tax reform package.

I want to reaffirm again to the membership of the House my intention to seek action on these two measures. We did vote out this morning, and we did adopt, by a rather overwhelming majority a social security package that I am going to, in a few minutes, ask the gentleman from California (Mr. CORMAN) to explain to the Members.

One of the things that we try to do in the Committee on Ways and Means is be responsible in these most difficult areas. The members of the Committee on Ways and Means have difficult areas of jurisdiction that was given us by the Members of the House and by the rules of the House. We try to protect the membership to the maximum of our ability in these very difficult and controversial areas.

In the field of tax reform I think it is extremely important that we look carefully at the matter of equity, that we look carefully at the impact upon the economy, and that we look carefully at the impact on one segment of the economy as against the impact on another segment of the economy. These are among the many considerations that we have to take into account when we look at tax reform.

I am disappointed, as I know all of the members of the Committee on Ways and Means are, that we have not proceeded further with the basic tax reform package that we had talked to the House about earlier this year. We held extensive hearings during 2½ months last spring, and they were probably the most thoroughgoing hearings on tax reform that have ever been held. The staff since then has been working on an initial tax package for the committee to consider this year, and early next year it will proceed expeditiously with the development of a broad-based tax reform package. We are going to try to be responsible both in the initial package and in the ultimate package.

Mr. Speaker, just one more word before I yield to my friend, the gentleman from California (Mr. CORMAN), and that is to say that I hope the Members will not seriously consider voting against the previous question. The Reuss proposal, well-intentioned as it might be, has not had

the opportunity for the thoroughgoing analysis and evaluation that we try to give measures of this kind. For instance, just as a mere beginning, and I would point out that the staff had made an analysis here of the Reuss-Vanik proposal, but just, as an example, it would increase taxes on mutual savings banks by 37.9 percent, increase taxes on savings and loans associations by 45.1 percent, increase maximum capital gains tax rate for individuals from 36.5 percent to 52.5 percent, and decrease the depletion rate to 11 percent. These are basic matters that involve fundamental national policy and national priorities: How do they dovetail with the fuel crisis and our need to expand our production of petroleum at this critical time? How do they dovetail with our problem on getting credit and capital into our society in view of a probable turndown next year in the economy? These are the matters that we need to take up.

I assure the Members that as we go forward on this subject that the Committee on Ways and Means will attempt to be responsible in these matters and to bring the Members real tax reform, tax reform that is wisely considered and responsible and equitable, and will plug the loopholes and spread the tax base as widely as is possible and is in the interest of the people of our country.

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

Mr. ULLMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Oregon how much additional revenue was expected to be raised by the tax bill that was prepared to be attached to this debt ceiling bill?

Mr. ULLMAN. Somewhere in the neighborhood of $2.5 billion, of which I think $1.6 billion would affect individual tax liabilities and the rest would be raised in the corporate sector.

Mr. GROSS. Was it provided that $2.5 billion would be used to reduce the Federal debt?

Mr. ULLMAN. No, there was no such provision, according to my understanding.

Mr. GROSS. In other words, this would be more money to be spent around at home, and particularly abroad?

Mr. ULLMAN. It could very well be.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORMAN) to explain the social security provision that we have adopted.

Mr. QUILLEN. Mr. Speaker, I yield 3 additional minutes to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I may say all I know in 2 minutes, but I appreciate the gentleman's yielding time.

The effort of the committee was to get dollars as quickly as possible to the poorest people among us. They are the people who suffer most from inflation, the people who spend all of their budget for food, and for rent. Those are the costs that have gone up most rapidly. This package provides an increase in the SSI or public assistance portion of social security by $10 for an individual and $15 for a couple, commencing January 1, with an additional increase of $6 and $9 commencing in July.

There are some 6 million people in this Nation who draw less social security than the minimum public assistance payment and those 6 million people are the ones to whom we address ourselves in that portion of this package.

Second, we asked the administration how long it would take to make adjustments within the social security checks themselves. We can provide for a flat percentage increase for the March payment that would be paid in April and we can provide what is called a refined payment, in July. We decided to give during the next calendar year an 11-percent increase since that is the amount that it is anticipated will be the increase in the cost of living by January 1975. That moves up by some 6 months the first of what would have been an automatic cost-of-living increase.

We provided further that cost-of-living increases in the future would be given in July instead of the following January, so that those increases would come more nearly to the time the cost of living goes up.

No one pretends that people who live on public assistance or people who live only on social security live very well in this country. It is difficult for them to get by, but we do have restraints on our assistance. First of all, we have consistently said that the social security system itself must be actuarially sound. That does not mean that we pay the public assistance portion out of the social security trust funds. That is paid from general funds. But insofar as the social security benefits themselves are concerned, they have always been actuarially sound, and they are in the committee's proposal.

We further wanted to avoid a social security tax rate increase, because admittedly social security taxes are regressive. They fall heaviest on those people who are in the lower income brackets. So rather than adjust the tax rate, we adjusted the tax base to $13,200. This will give an 11-percent social security increase during calendar year 1974 and provide for a cost-of-living increase starting in July of 1975 and for every year thereafter without jeopardizing the soundness of the fund. From general funds it will provide an additional $16 and $24 per month for the poorest individuals and poorest couples during that calendar year.

That is as fast as the adjustments can be made. It keeps within actuarial soundness without having to change the tax rate, and I believe it is a defensible package.

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

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

(By unanimous consent, Mr. LATTA was permitted to speak out of order.)

WHERE IS WATERGATE IN TERMS OF GLOBAL WAR?

Mr. LATTA. Mr. Speaker, I wish to share an editorial given by WSPD-TV, Toledo, Ohio, on November 6, 1973, with my colleagues. It seems to put Watergate in proper perspective. The editorial follows:

WE THINK IT BOILS DOWN TO THIS: BAD AS WATERGATE MAY BE, WHERE IS IT IN TERMS OF AVOIDING GLOBAL WAR?

WSPD hopes President Nixon does not resign. In saying this, we are not ignoring the long and torturous trail of events which have prompted calls for resignation or impeachment. We share fully in the concern reflected in those calls.

But, even allowing for the very worst of suspicion surrounding Watergate and its constantly unfolding aftermath, in our opinion they pale to relative insignificance beside the nightmarish realities of the Middle East and its potential for war between the super-powers . . . which could mean the last war for all of humanity.

In this brutal context, we believe the avoidance to date of a direct confrontation between the Soviet Union and the United States is largely traceable to President Nixon's diplomatic spadework.

Had it not been for the Russian thaw he initiated last year, we're only left to shudder over what might have happened within the past couple of weeks. Again, we're not minimizing the domestic traumas, but we do wonder, with unabashed fear, over what might transpire on the literal life or death issue of war or peace if the man and his team who materialized the detente with the Communist powers were suddenly replaced by quantities unknown to those powers.

To WSPD, this is the priority fact . . . the reality which impels us to hope that Mr. Nixon, in this his final term in office, will continue to hold down the prospects of an international Armageddon. His resignation would pose a gamble we don't think the world is prepared to take.

Mr. BIAGGI. Mr. Speaker, I rise in strong opposition to the rule for consideration of the bill H.R. 11104, the debt ceiling increase. Adoption of this rule will represent an inexcusable disregard by the Congress of the needs of millions of elderly and poor Americans.

Adoption of this rule will preclude any introduction of a comprehensive social security and tax reform amendment.

If this rule is passed, an urgently needed 7-percent social security increase for our elderly Americans will be postponed from January 1, 1974, until at least July of 1974. This postponement will serve to perpetuate the tragic economic plight of our elderly citizens, who are forced to rely exclusively on social security for their economic well-being. Based on the steady bombardment of unfavorable economic statistics issued monthly by the Cost of Living Council, by the time July 1974 rolls around, the cost of living will rise by more than 10 percent. Yet, for 29 million older Americans they will face the prospects of keeping pace with this increase without the benefit of a rise in their social security payments. Simple mathematics would show that their economic survival would be in definite jeopardy. Moreover, these Americans spend most of their funds on food, clothing and shelter, sectors of the economy that have risen at a higher than average rate.

However, if this rule is defeated, and this amendment adopted, these same Americans would see an increase of between $12 and $30 in their monthly social security checks as early as January of 1974.

Ironically, the House has seen to it to provide other groups in this country with assistance in their efforts to combat the high cost of living. An example are the Federal retirees who received a 6-percent

increase in pension payments automatically last July, and will receive another increase in excess of that in January. If social security recipients had this program in operation for them, the increases we seek today would have been automatically provided for.

These older Americans on social security are not looking for handouts. They have worked many long hours and have contributed faithfully to insure that their elderly years would be comfortable. Yet now, many of these same individuals are at the brink of poverty, and look to Congress for assistance. Yet, what is our answer, wait another 8 months?

Adoption of this rule will also prevent consideration of an amendment to tighten the minimum income tax. There is no doubt that congressional action on tax reform is long overdue.

I have long been an advocate of tax reform. Again as in the social security issue, the cost-of-living increase gives rise to the need for effective tax reform. Some examples of the inherent inadequacies of our present tax system can be seen in the fact that in 1973 alone, 276 people with incomes over $100,000 paid no tax at all. Tax reform such as we propose today would raise up to 3 billion dollars in annual revenue, more than enough to budgetarily balance off the aforementioned social security increase as well as maintain overall fiscal responsibility.

Some of the provisions of the tax reform amendment include the replacement of the $30,000 exemption with a $10,000 exemption; removing deductions for other Federal taxes paid on nonpreference incomes, and the replacing of the flat 10-percent rate to one-half the normal tax schedules.

Most importantly under this amendment over 90 percent of the minimum tax yield would come from individuals with incomes in excess of $50,000, yet those with incomes of less than $10,000 would not be required to file minimum tax forms.

Yet all these worthwhile and desperately needed improvements stand to be shelved by the adoption of this rule. The poor and elderly in America today are tired of postponements and idle promises, they want and deserve action. We in the Congress today have the opportunity to answer this urgent plea. We can provide our beleaguered poor and elderly with immediate relief, we can assure them of their economic survival, and we can show them that no longer will they have to shoulder the tax burden in this country. But above all, we will demonstrate to them that their welfare is indeed our concern. I urge the defeat of this rule, and the adoption of a rule that will permit consideration of the social security increase and tax reform amendment I and others are supporting.

Mr. QUILLEN. Mr. Speaker, if the gentleman from Missouri has no further request for time, I have no further request for time.

Mr. BOLLING. Mr. Speaker, I would merely like to congratulate the Committee on Ways and Means on its prompt and humanitarian action with regard to social security.

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 135, not voting 24, as follows:

[Roll No. 564]

YEAS—274

Abdnor	Forsythe	Mayne
Alexander	Fountain	Michel
Anderson, Ill.	Frelinghuysen	Milford
Andrews, N. Dak.	Frenzel	Minshall, Ohio
Archer	Frey	Mitchell, N.Y.
Arends	Fulton	Mizell
Armstrong	Fuqua	Molloban
Ashbrook	Gettys	Montgomery
Baker	Giaimo	Moorhead, Calif.
Barrett	Gibbons	Morgan
Bauman	Gonzalez	Mosher
Beard	Goodling	Murphy, N.Y.
Boggs	Griffiths	Myers
Boland	Gross	Natcher
Bolling	Grover	Nichols
Bowen	Gubser	Nix
Bray	Guyer	O'Brien
Breaux	Haley	O'Neill
Breckinridge	Hamilton	Parris
Brinkley	Hammer-schmidt	Passman
Brooks	Hanley	Pepper
Broomfield	Hanrahan	Perkins
Brotzman	Hansen, Idaho	Pettis
Brown, Mich.	Hansen, Wash.	Peyser
Brown, Ohio	Harsha	Pickle
Broyhill, N.C.	Harvey	Poage
Broyhill, Va.	Hastings	Powell, Ohio
Buchanan	Heinz	Preyer
Burgener	Henderson	Price, Tex.
Burke, Fla.	Hillis	Pritchard
Burleson, Tex.	Hinshaw	Quie
Butler	Hogan	Quillen
Byron	Holifield	Railsback
Camp	Holt	Rarick
Carey, N.Y.	Hosmer	Regula
Carter	Huber	Rhodes
Casey, Tex.	Hudnut	Rinaldo
Cederberg	Hunt	Roberts
Chamberlain	Hutchinson	Robinson, Va.
Chappell	Ichord	Robison, N.Y.
Clancy	Jarman	Roncallo, N.Y.
Clark	Johnson, Calif.	Rooney, Pa.
Clausen, Don H.	Johnson, Colo.	Rose
Clawson, Del	Johnson, Pa.	Rostenkowski
Cochran	Jones, Ala.	Rousselot
Collier	Jones, N.C.	Roy
Collins, Tex.	Jones, Okla.	Runnels
Conable	Karth	Ruth
Conlan	Kazen	Ruppe
Conte	Keating	Ryan
Corman	Kemp	Sarasin
Coughlin	Ketchum	Satterfield
Crane	King	Scherle
Daniel, Dan	Kuykendall	Schneebeli
Daniel, Robert W., Jr.	Landgrebe	Sebelius
Danielson	Landrum	Shipley
Davis, Ga.	Latta	Shoup
de la Garza	Lent	Shriver
Delaney	Litton	Shuster
Dellenback	Long, La.	Sikes
Dennis	Lott	Sisk
Devine	Lujan	Skubitz
Dickinson	McClory	Slack
Dorn	McCloskey	Smith, N.Y.
Downing	McCollister	Spence
Dulski	McDade	Staggers
Duncan	McEwen	Stanton, J. William
Edwards, Ala.	McFall	Steed
Erlenborn	McKay	Steelman
Esch	McKinney	Steiger, Ariz.
Eshleman	McSpadden	Steiger, Wis.
Evans, Colo.	Macdonald	Stephens
Evins, Tenn.	Madigan	Stubblefield
Fish	Mailliard	Stuckey
Fisher	Mallary	Sullivan
Flood	Mann	Symington
Flowers	Maraziti	Symms
Flynt	Martin, Nebr.	Talcott
Ford, Gerald R.	Martin, N.C.	Taylor, Mo.
	Mathias, Calif.	Taylor, N.C.
	Mathis, Ga.	
Teague, Calif.	Walsh	Winn
Thomson, Wis.	Wampler	Wright
Thornton	Ware	Wyatt
Tiernan	White	Wydler
Towell, Nev.	Whitehurst	Wylie
Treen	Whitten	Wyman
Ullman	Widnall	Young, Alaska
Van Deerlin	Wiggins	Young, Ill.
Vander Jagt	Williams	Young, Tex.
Veysey	Wilson, Bob	Zion
Waggonner	Wilson, Charles, Tex.	Zwach
Waldie		

NAYS—135

Abzug	Fascell	Obey
Adams	Findley	Owens
Addabbo	Foley	Patten
Anderson, Calif.	Fraser	Pike
Andrews, N.C.	Froehlich	Podell
Annunzio	Gaydos	Price, Ill.
Ashley	Gilman	Randall
Aspin	Ginn	Rangel
Badillo	Grasso	Rees
Bafalis	Gray	Reid
Bennett	Green, Pa.	Reuss
Bergland	Gude	Riegle
Bevill	Gunter	Rodino
Biaggi	Hanna	Roe
Biester	Harrington	Rogers
Bingham	Hawkins	Roncalio, Wyo.
Brademas	Hays	Rosenthal
Brasco	Hechler, W. Va.	Roush
Brown, Calif.	Heckler, Mass.	Roybal
Burke, Mass.	Helstoski	Sarbanes
Burlison, Mo.	Hicks	Schroeder
Burton	Horton	Seiberling
Carney, Ohio	Howard	Smith, Iowa
Chisholm	Hungate	Snyder
Clay	Jordan	Stark
Cleveland	Kastenmeier	Steel
Cohen	Kluczynski	Stokes
Collins, Ill.	Koch	Stratton
Conyers	Kyros	Studds
Cotter	Leggett	Thompson, N.J.
Cronin	Lehman	Thone
Culver	Long, Md.	Udall
Daniels, Dominick V.	McCormack	Vanik
Davis, S.C.	Madden	Vigorito
Dellums	Matsunaga	Whalen
Denholm	Mazzoli	Wilson, Charles H., Calif.
Dent	Meeds	Wolff
Derwinski	Melcher	Yates
Dingell	Metcalfe	Yatron
Donohue	Mezvinsky	Young, Fla.
Drinan	Miller	Young, Ga.
du Pont	Minish	Young, S.C.
Eckhardt	Mink	Zablocki
Edwards, Calif.	Mitchell, Md.	
Eilberg	Moakley	
	Moorhead, Pa.	
	Nedzi	

NOT VOTING—24

Bell	Green, Oreg.	O'Hara
Blackburn	Hébert	Patman
Blatnik	Holtzman	Rooney, N.Y.
Burke, Calif.	Jones, Tenn.	St Germain
Davis, Wis.	Mahon	Sandman
Diggs	Mills, Ark.	Stanton, James V.
Ford, William D.	Moss	Teague, Tex.
Goldwater	Murphy, Ill.	
	Nelsen	

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Mills of Arkansas with Ms. Holtzman.
Mr. Teague of Texas with Mr. O'Hara.
Mr. James V. Stanton with Mr. Diggs.
Mr. Blatnik with Mr. Davis of Wisconsin.
Mrs. Burke of California with Mr. William D. Ford.
Mr. Jones of Tennessee with Mr. Blackburn.
Mr. Hébert with Mr. Mahon.
Mrs. Green of Oregon with Mr. Bell.
Mr. Moss with Mr. Nelsen.
Mr. Murphy of Illinois with Mr. Sandman.
Mr. Rooney of New York with Mr. Goldwater.
Mr. St Germain with Mr. Patman.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

LAYING OF HOUSE RESOLUTION 672 ON THE TABLE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that House Resolu-

tion 672, temporary increase in debt limit through June 30, 1974, be laid on the table.

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

There was no objection.

PROVIDING INFORMATION ON THE NORTHEAST RAIL TRANSPORTATION ACT

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

Mr. HILLIS. Mr. Speaker, on Thursday of this week, the House is scheduled to consider H.R. 9142, the Northeast Rail Transportation Act. With this fact in mind, I am today placing in the RECORD, under the extension of remarks, information which shows how truly vital the passage of this legislation is to the survival of the railroad industrial in this Nation. It is my hope that my distinguished colleagues will take a moment out of their busy schedules to review this material prior to casting their votes on this legislation.

INCREASE OF TEMPORARY LIMIT ON PUBLIC DEBT

Mr. ULLMAN. 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. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

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

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. 11104, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Oregon (Mr. ULLMAN) will be recognized for 1 hour, and the gentleman from Illinois (Mr. COLLIER) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill would increase the debt limit to $478 billion through June 30, 1974. I think you all know the permanent debt ceiling is $400 billion and the temporary debt ceiling that we are now operating under is $65 billion additional, or a combined ceiling of $465 billion. This will be raised in this bill to $478 billion and extended through June 30 of next year.

The administration appeared before our committee and asked for a level of $480 billion, but in looking at all of the material that they gave us and in our examination of the witnesses, it became clear that the highest amount of debt in this period that they estimate under the assumptions that they brought to us, including $3 billion for contingencies and $6 billion as an operating cash balance—the highest amount they would reach in this period of time was $478 billion. So we feel we have fully complied with the request of the administration.

The assumption on which the estimate is based is that of a unified balanced budget of $270 billion in fiscal year 1974. This assumes expenditures do not exceed the $270 billion of estimated receipts, which is not completely certain at this time. The increased expenditures because of the Middle East problems will in large part be deferred until the next fiscal year. The Treasury receipts estimates for the remainder of the year conform largely to those estimates that we can get from the private sector forecasters.

The experts on the staff of the Joint Committee on Internal Revenue Taxation, under the direction of Larry Woodworth—who, in the past, traditionally have been more right than whatever administration was in power—believe that these estimates are a bit high.

The Treasury forecast for the first half of 1974 is a bit more optimistic than I feel is warranted, and I think that the joint committee staff feels is warranted, but we do have ample time next year from the time we convene through June 30, to reevaluate the situation and come back to the House with an additional debt ceiling increase if that might be required. We are extremely hopeful that it will not be.

Let me talk to the Members for just a minute or two about the need for these kinds of debt ceiling operations. Traditionally, this is the only way we have to control spending. It is not a good device for budgetary control. I think we all recognize that. All we are doing here is agreeing to pay the bills that we have already incurred. It has been my judgment and I think the judgment of the committee and of the Congress, however, that bad as it is it is better than no control at all, because at least there is a periodic look at the expenditure and revenue prospects, and the economy. It allows us to get the administration to defend its actions and to give us its estimates, and I think to that extent exercises some discipline. But I have felt for a long time, and I think most Members of the House have felt also, that we need a much better discipline within our own structure here in Congress if we are really to get a firm control over national expenditures. That is why we have been working very hard in the Joint Study Committee on Budget Control, the gentleman from Mississippi, Mr. JAMIE WHITTEN, and I, and all of the others who have served on that committee, to develop a program for budgetary control. I want to congratulate the Committee on Rules that has this under their jurisdiction, for the long hours that they have spent in developing what I believe is a sound budget control program.

I have worked very closely with the members of the Rules Committee, and there have been some knotty problems and some controversy, but in every instance of vital importance so far I believe we have obtained a legislative budgetary procedure that is meaningful and will do the job. I think the Committee on Rules has come through with an alternative that will work. I am most hopeful that within the next several days the Committee on Rules will report out a bill that will in effect set up the procedures in the House within our parliamentary structure that will allow us to cope with this most difficult problem of budget control, and that will give us for the first time a meaningful debate on economic policy, and that will allow us to target in on revenues and expenditures in conformity with the economic circumstances that we find.

Then I think even more importantly it will allow us to debate and decide on budget priorities, something that we long ago handed over to the executive branch of the Government.

I think these procedures are basic. And then we can develop procedures whereby a concurrent resolution will be brought to the Congress early in the year that will establish these limitations, through good congressional debate, and procedures that will apply to the consideration of the appropriation process in a meaningful way, so that we will actually lock in the priorities prior to the beginning of the new fiscal year.

I think this is going to be a tremendously significant development. Again I want to congratulate the Committee on Rules. They have followed the general format of the proposal that we presented. They modified it in some ways, but they have been most courteous in asking for the advice of the gentleman from Mississippi (Mr. WHITTEN) and my advice. I am pleased to say that as of now they have developed a complete, responsible program that I am hopeful the Congress will enact.

Let me look now very briefly at another item that the administration raised when they came before the committee. They recommended that we take off the interest rate limitation on savings bonds altogether. The committee, however, feels that at the present time the Treasury has the authority under present law to increase these rates by one-half of 1 percent, an authority granted to them within the last 2 years. The interest ceiling now is 5½ percent. The Treasury has told us that they certainly would not intend to go above 6 percent.

In our report we have made it clear that they do have the existing authority to raise this limit to 6 percent. With that understanding, the Treasury and the administration were satisfied with this language and this procedure.

Let me just talk very briefly about this business of keeping a clean debt ceiling bill. I think that we make a grave mistake here in Congress when we attempt to use a device like this as a mechanism for getting something else done. If the orderly processes of the Congress are wrong, then we should change them, but I think it is an extremely unwise procedure to use a bill such as a debt ceiling bill to add on a lot of nongermane matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, that is why I think it was extremely wise of the Committee on Rules to go back and reconsider their action which would have allowed both the tax and the social security amendments on the floor, and instead bring this bill to the floor clean. This is the sound way to legislate. I had, as I indicated in the debate on the rule, gone to the Committee on Rules and very thoroughly explained to them the purposes and objectives of the Committee on Ways and Means in bringing forth in a responsible way social security amendments as well as tax reform amendments this year.

I want to say here before this body that it is my full intention as the acting chairman—and I think I can speak for most of the members of the committee—to follow through with that procedure. This morning we voted out a social security bill for drafting purposes which hopefully we can get introduced this afternoon that accomplishes the real basic objective of bringing us up to date on cost-of-living increases in the social security system.

Mr. CORMAN explained that procedure and that bill to the Members in our debate on the rule, but let me very briefly run through the main provisions. The committee agreed first to the SSI increase in payments of $10 for individuals and $15 for a married couple as of January 1 next year. This is the new program, remember, that is just going into effect whereby we establish direct Federal payments to the adult assistance category under our general social security program.

It is going to be a good and meaningful program, but this increase, I think, will go to the people who need it more than anyone else. This will go to some 4 million people who are the poor people of this country who do need additional help because they have no other means of sustenance.

Beyond that, the committee agreed to an 11 percent increase in social security benefit payments for 1974. This would be a 7-percent increase in March, which benefits are paid in April, and another 4-percent increase in June, with benefits paid in early July. In order to finance this kind of a program, after examining carefully the actuarial soundness of the fund, it became obvious that it was going to be necessary to increase the wage base from $12,600 to $13,200 effective January 1, 1974, but there will be no increase in rates needed in the system at this time.

The timing of the first automatic cost of living adjustment on a permanent basis was changed to July 1. As Members know, the first cost-of-living increase was to go into effect on January 1. This has been changed to July 1. So the first regular cost-of-living increase following the increase we are setting forth in that bill will be as of July 1, 1975, and continue from then on on that basis.

We think this is a sound answer to the problem. Now for the first time we have really phased in these interim increases into the long-range program of cost-of living increases. It is our intention and our hope that from here on we can go into the automatic phase of the cost-of-living adjustment program without further action by the Congress.

Very briefly, again turning to the matter of taxes, it is my intention to bring, hopefully tomorrow and certainly by early next week, to the committee recommendations put together by Dr. Woodworth and his staff to provide an interim tax reform package that hopefully will pick up from $1 to $1½ billion and possibly $2 billion worth of revenue.

Again I want to say that I fully expect and hope that we will be able to agree on this kind of package and that we will be able to get it to the floor within the next couple of weeks and that we will be able to get it passed.

From there the committee will go on early next year to the complete tax reform package on which we held thorough hearings, as all Members know, earlier this year. The staff is doing a great deal of work in all the complex areas of taxation. The tax system does need overhauling. We had an extensive and complicated tax reform package in 1969. It is time now to move on and take care of the inequities that have developed since then or which we could not then deal with. It is our intention early next year to bring that to the Congress.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New York. Mr. Chairman, I want to compliment the gentleman and the committee for proceeding down this road in an orderly fashion.

Also I hope the gentleman and the gentleman from Mississippi are making progress on this budget legislation that hopefully is going to change the method of our doing business.

Mr. ULLMAN. Mr. Chairman, I appreciate the remarks made by the gentleman from New York.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I rise in support of H.R. 11104 which provides for a $13 billion increase in the temporary public debt ceiling and extends the period to which this limit applies to June 30, 1974.

In addition, as the distinguished gentleman from Oregon who just preceded me pointed out, the Committee on Ways and Means sought to clarify certain ambiguities relative to the legislative intent in the Second Liberty Bond Act to allow the Secretary of the Treasury with approval of the President to increase the rate of interest paid on U.S. bonds by one-half of 1 percent, to a level of 6 percent.

While there may be some misunderstanding that a vote against increasing the debt ceiling is a vote for economy, nothing could be farther from fact. To promote this misunderstanding for political reason at this particular time does a great disservice to the process of orderly debt management and the country in general.

Every knowledgeable Member of this body knows that we are faced with meeting the good faith obligations of the U.S. Government—obligations incurred solely by the Congress through the authorization of appropriation process.

Failure to provide the borrowing authority sought in this bill would result in mandatory impoundment on a mammoth scale or outright default of Treasury commitments which holds frightening if not catastrophic ramifications.

The present permanent statutory debt ceiling is $400 billion. This permanent ceiling is supplemented by temporary borrowing authority which, under existing law through November 30 of this year, amounts to $65 billion. The combined permanent and temporary public debt limitation has been at $465 billion since October 27, 1972. The committee bill would increase the temporary ceiling by $13 billion until the end of this fiscal year but makes no change in the permanent ceiling of $400 billion. The debt subject to limitation as of October 31 is estimated to be right at the existing limit of $465 billion and by November 30 is estimated to be over that limit by $2 billion. Therefore, it is imperative that we act now to increase the combined permanent and temporary limitation to avoid difficulty at the end of this month as well as to insure that the ceiling does not revert to the $400 billion level at that time. As the Members are aware, should the latter occur, it would then become impossible for the Government to issue any new debt, roll over existing debt and meet its bills as they occur.

It should be noted that the committee's bill imposes a very tight debt limitation on the Treasury during the rest of the fiscal year. As is shown in the following table, it is estimated that with a $6 billion operating cash balance and the normal $3 billion contingency, the debt subject to limitation will be $478 billion on May 31, and often the month-end indebtedness is exceeded within the month. This means that the Treasury will have to exercise extreme caution in the management of the public debt during the entire period for which the committee has increased the temporary limitation.

PUBLIC DEBT SUBJECT TO LIMITATION, FISCAL YEAR 1974 (ESTIMATED)

[Based on estimated budget outlays of $270,000,000,000 and receipts of $270,000,000,000]

[In billions]

	Operating cash balance	Public debt subject to limitation	With $3,000,000,000 margin for contingencies
1973:			
Oct. 31	$6	$465	
Nov. 30	6	467	
Dec. 31	6	467	
1974:			
Jan. 31	6	467	$470
Feb. 28	6	471	474
Mar. 31	6	473	476
Apr. 30	6	468	471
May 31	6	475	478
June 30	6	468	471

Source: Office of the Fiscal Assistant Secretary, Oct. 15, 1973

Congress last acted on this subject during the summer and on July 1, 1973, the existing $465 billion limitation through November 30 became law. At that time, the committee recommended and Congress agreed that only a 5-month

extension of the then existing debt limitation should be approved despite the administration's request that the temporary ceiling be increased by $20 billion—to $485 billion—through the end of fiscal year 1974. In June, it was apparent that the American economy had been subject to unusual and rapid changes in a short span of time and in addition, up to that point Congress had not yet passed any appropriation bills. It was generally felt that the best course was to merely extend the existing limitation for a few months and then give the question serious consideration again when additional revenue and expenditure estimates would be available. This course has, I believe, proven to be sound.

The administration in January forecast a deficit of $24.8 billion on a unified basis for fiscal 1973 and $34.1 billion on a Federal funds basis. The actual deficit for fiscal 1973 on a unified basis was $14.4 billion and the Federal funds deficit for that same period was $25 billion. Similarly, the January projections of a fiscal 1974 deficit of $12.7 billion on a unified basis and $27.8 billion on a Federal funds basis, have been changed and the administration now estimates that the unified budget will be in balance at the end of the fiscal year and the Federal funds deficit will be at the level of $15.1 billion. On a unified basis, this is a $9.4 billion improvement for fiscal 1973 and a $12.7 billion projected improvement for fiscal 1974.

These welcome changes in the budget picture are attributable to increased revenues which have resulted from continuing economic growth. While the prospects of a balanced budget for fiscal 1974 are encouraging, the achievement of this objective is by no means assured and, in large measure, will be determined by a tight control on expenditures in the remaining months of the fiscal year. This, in turn, will depend upon Congressional actions on spending bills presently pending and anticipated down the road. As Director of the Office of Management and Budget Ash indicated before our committee, several bills currently being considered by the Congress together with inaction on certain savings proposed by the President could add $5 billion to 1974 spending. Thus, whether we do achieve a balanced budget in fiscal year 1974 lies here in the Congress.

The committee's action to increase the temporary debt ceiling by $13 billion through the end of fiscal year 1974 and its belief that the total of $478 billion will be sufficient for that period is predicated on the assumption that expenditures will stay within the budgeted limits. Should there be any significant increases in spending, without an attendant jump in revenues, the $478 billion level will require similar increases.

I believe such a course would be ill-advised and hope that Congress will hold the line on spending this year. It would be unfortunate if we had to review the debt limitation before June as a result of extravagant spending programs.

All of this merely highlights the deficiencies in existing congressional structures for dealing with budgetary control. What we need are procedures for focusing our attention on the Federal budget as a whole so that when we look at the component parts of the budget, we will have some guiding criteria enabling us to establish priorities in accordance with a responsible fiscal policy that serves all of our people. Such procedures are at the very core of the recommendations of the Joint Study Committee on Budget Control and is embodied in H.R. 7130 which I am delighted to say is presently under the active consideration of the Rules Committee.

We need the institutional structures that legislation will establish and we need them as soon as possible so that Congress will have something other than the public debt limit legislation to use as a tool for controlling Federal spending. When we use the public debt to attempt to control Federal spending we are really only ameliorating the symptoms rather than attacking the cause of Federal fiscal problems. The inadequacy of such an approach is proven by the simple fact that we have had to resort to it 3 times within the last 12 months.

Once effective congressional budgetary control procedures are established and operative, the reason for debt ceiling legislation should be lessened. In addition, it will mean that Congress will be in a position to deal with the Federal fiscal problems in a meaningful and regular fashion rather than via the piecemeal approach afforded by the debt ceiling legislation.

In addition to requesting an increase in the temporary debt ceiling, the administration also urged the committee to remove the existing ceiling on savings bond rates in order that those rates could be adjusted to insure that they would remain competitive with other marketable securities. The Secretary of the Treasury pointed out that tens of millions of Americans are enrolled in savings bond programs and that because it has been a cornerstone of the Government's debt management policy, the interest rates payable under it must continue to be attractive to investors. The increases in interest rates payable for other securities in the recent past have made it clear that an increase in the existing 5½ percent payable on savings bonds is required.

In 1970, Congress raised the maximum interest rate allowable on savings bonds. At that time, we provided that the interest rate on the issue price of savings bonds and certificates was not to afford a yield in excess of 5½ percent per year. In that legislation, however, we also provided that the Secretary of the Treasury, with the approval of the President, could increase the interest rates and investment yields on savings bonds by one-half of 1 percent of any accrual period on or after June 1, 1970. In this case, the interest was to be paid as a bonus either on redemption or maturity. The Treasury Department interpreted the legislative intent of this provision in a way which precluded its utilizing it to provide for a general increase in savings bond rates. The committee report accompanying H.R. 11104 makes clear that it was the intent of Congress to allow for such a general rate increase of one-half of 1 percent. Treasury Secretary Shultz indicated that the Treasury Department would not, at this time, raise the allowable rate above 6 percent even if it were granted the flexible authority requested. As a result, the committee concluded there was no need to provide for a legislative increase in the savings bond rates. An increase to 6 percent can and should be effected under present law.

Mr. Chairman, the bill before us contains a needed increase in the present debt limit which should allow the Government to meet its obligations until the end of the current fiscal year. Its necessity serves to highlight again the urgency of congressional action on budgetary control procedures. Certainly there is no more important nor worthy objective and it is my hope that we can move on the budgetary control legislation in the near future.

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

Mr. COLLIER. I yield to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, just about a year ago we sat in this Chamber and approved a $15 billion increase in the public debt under the guise of fancy rhetoric on how we, the Congress, were going to reform our budgetary procedures to curb this reckless deficit spending. Today's legislation to increase the public debt by another $13 billion illustrates the failure of Congress to address itself to the question of fiscal responsibility. By neglecting this question, we have failed the American people, the taxpayers, who must ultimately pay for our looseness and disregard through the erosion of their buying power.

Before considering to approve this legislation to raise the public debt to $478 billion for the remainder of fiscal year 1974, I ask you to weigh its economic impact on our entire economy. First, a $13 billion increase would further stimulate inflation creating the impetus for even higher prices that reverberates throughout every sector of our economy. How can we with one hand initiate inflation and then with the other hand try to curtail inflation under the auspices of wage and price controls? This sort of policy-making not only makes little sense but creates havoc with our Nation's finances and finally produces friction in the marketplace. We are in reality adding to inflationary pressures, while at the same time disrupting the economy with unnecessary shortages caused by these unfair and rigid price controls.

Second, continued inflation only makes American goods and products less competitive on the international market. Do we wish to create another balance-of-payments deficit when we are experiencing for the first time in years a surplus in foreign trade payments? If you remember, we devalued the dollar twice in 1 year to obtain this surplus, and in doing so, we asked the American consumer to pay higher prices here at home and overseas.

Lastly, if we want to exert ourselves to fiscal responsibility and economic order in this country, we must either dramatically cut Federal spending or raise addi-

tional revenues. Are you willing to return home and ask your constituents and all American taxpayers to pay for your vote today to increase the national debt and finance over $29 billion a year on its interest? Why cannot we stop deceiving the American public and honestly tell them that we can no longer continue to subsidize all our special interests? We must put our personal biases and preferences aside and set some budgetary priorities for ourselves and the country, like responsible human beings.

There are many bills already pending in committees which call for a balanced budget and a ban on deficit appropriating. I have cosponsored two such measures. Yet we somehow find it more important and in the immediate national interest to lift the TV blackout on pro football games so we may watch the Redcoats—I mean the Blueskins—oh, the Redskins every Sunday afternoon, than we do in putting our financial house in order.

For the first time in over a decade we have a nonwartime economy with full employment and record prosperity.

Is not this a perfect set of circumstances under which to reflect patriotic zeal by taking the tough but necessary actions to bring our Federal budget into balance?

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to urge support for H.R. 11104, a bill to provide for a temporary increase in the public debt limit through June 30, 1974.

This legislation is essential to permit the Treasury to conduct the finances of the Government in an efficient manner. Without this legislation, the Treasury will lack the authority to discharge its obligations and to pay the bills for the spending programs voted by the Congress. The present temporary debt limit of $465 billion will expire on November 30 of this year, and the actual debt is expected to exceed this limit sometime late in November if the Treasury is to be permitted to maintain a normal operating cash balance. Moreover, if the present temporary limit is permitted to expire, the debt limit will revert to its permanent level of $400 billion on December 1.

The $478 billion temporary debt limit proposed in this bill, while $2 billion less than the amount requested by the Secretary of the Treasury, should be adequate to permit the Treasury to operate efficiently throughout the remainder of this fiscal year based on present estimates of budget receipts and outlays.

In presenting his request for an increase in the temporary debt limit, the Secretary of the Treasury also proposed removal of the statutory interest ceiling on U.S. savings bonds so as to permit the Treasury to pay a fair competitive rate to the holders of these bonds. The Treasury is concerned that an interpretation of present law would appear to limit the interest rate on savings bonds to 5½ percent. Yet, the Ways and Means Committee has made clear in reporting the debt limit bill that the Treasury may under present law pay a rate as high as 6 percent. Thus, the Treasury may now increase the savings bond rate from 5½ percent to 6 percent, which should be adequate under present circumstances, and a statutory amendment is not necessary at this time.

Mr. Chairman, I want to express my views about the necessity of allowing this legislation to proceed through the legislative process unencumbered by nongermane amendments. The Ways and Means Committee voted overwhelmingly to recommend passage of this legislation in its present form. We have long taken the position that the debt ceiling legislation should be considered on its own merits as should other legislation. It is not a device for obtaining approval by the President of other items—however important—which may or may not be acceptable to either the Congress or the President on their own merits.

I am delighted that the Committee on Rules ultimately saw the wisdom of this position. I am confident that the final action on this legislation and that which the Committee on Ways and Means will recommend to the House in the other areas of concern to all Members will serve to validate the position taken by that committee. In short, I believe we should keep the debt ceiling legislation clean and I hope the other body will understand and appreciate our intention to do so. There are other times and other bills for the consideration of other items. This necessary debt ceiling legislation should not be held hostage for them.

Finally, Mr. Chairman, I want to say a word about the need for permanent congressional budget control procedures. We must, in my opinion, bring order to the existing chaotic system we have for dealing with Federal fiscal problems. The Rules Committee has under consideration the legislation which would establish tools we need to accomplish this. As a member of the Joint Study Committee on Budget Control as well as a sponsor of H.R. 7130, which incorporates the recommendations of the Joint Study Committee, I can assure my colleagues that after studying the problems involved, we became convinced that action was required immediately to establish these procedures. As a result, I strongly urge my colleagues on the Rules Committee to act on this legislation as soon as possible.

I hope that this periodic exercise of an ineffective approach to Federal spending control through debt ceiling legislation will no longer be needed after the Congress legislates in the field of budgetary control. Our present method of gaging the effects of spending after all appropriations have been approved is clearly inadequate and after the fact. This review after excessive spending has been approved only results in our continuing deficits and mounting debt. No clearer evidence is needed than to review the gloomy and deteriorating picture of interest on our public debt. For the current fiscal year this interest is calculated to be $29 billion; last year it was $23 billion—better than a 26-percent increase in just 1 year. And what was our interest just 5 and 10 years ago? In 1960 our interest was $16.6 billion and in 1964 it was $10.7 billion.

The need for quick action on congressional budgetary control has no better stimulus than a review of these despairing figures—our debt interest increase from $10.7 billion to $29 billion in just 10 years. Over 170-percent increase. How imprudent can we be?

Mr. ULLMAN. Will the gentleman yield?

Mr. SCHNEEBELI. I am glad to yield to the gentleman.

Mr. ULLMAN. I want to commend the gentleman from Pennsylvania for the important part he has played as a member of the Joint Study Committee on Budget Control and for his continuing interest in that matter.

I certainly could not agree with him more that this would be the most significant and positive aspect, if we could enact a budget control bill, that has occurred in this or any other Congress.

Mr. SCHNEEBELI. I thank the gentleman. I am glad the gentleman from Oregon and the gentleman on our side, Mr. COLLIER, both emphasize the need for budget control and the quick adoption of legislation similar to this measure we are talking about.

Mr. SYMMS. Will the gentleman yield?

Mr. SCHNEEBELI. I am glad to yield to the gentleman.

Mr. SYMMS. My question of the distinguished ranking minority member is this: We do not have a budgetary control measure now before us because it is not law.

Mr. SCHNEEBELI. It is in the Committee on Rules.

Mr. SYMMS. Yes, but it has been there a month or so, I believe. Is there any way in which we can project to the Members of this body and the administration that we would like to know why it would not be possible to have them come out with a tighter figure in advance so that possibly we could cut a couple or $3 billion out of this measure? We would be able to do that, perhaps, if we could know 6 months in advance.

Mr. SCHNEEBELI. I am glad the gentleman brought up the subject. Last June when the Treasury Department came before our committee to ask for that ceiling increase they asked for $485 billion. Our committee saw fit to continue it at the then existing level of $465 billion through the month of November. At that time our revenue increase was greater than our expenditure increase, and that situation has continued with the result that we were able to keep the increase at a more modest level than we previously anticipated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SCHNEEBELI. I thank the gentleman.

Our income since June has expanded about $4 billion more than anticipated at that time, and our expenditures figure has gone up about $1.2 billion. So the trend appears to be going in the right direction. I anticipate the Committee on Rules will come out with some form of budgetary control before the 1975 appropriations bills are acted on.

Mr. COLLIER. Will the gentleman yield?

Mr. SCHNEEBELI. Of course I yield to the gentleman.

Mr. COLLIER. There is one other reason for it, namely, we all tried to provide a tight limit on borrowing authority.

On the other hand, when you get it too tight, this is what can happen: If you reach the point where the obligations have to be met and you do not have adequate funds to meet them you immediately have to go to the market, sell Government bonds on an almost emergency basis, and when you do this—and I think this happened, as I recall, in the spring of 1958 when Anderson was Secretary of the Treasury—he tried to work too close to the line—and what then happened, you have either the pressure of defaulting on the good faith and obligations of the Federal Government, or you get it with emergency borrowing. And whenever this has happened in the past, the Treasury must go out and float short-term, high-interest bonds, and this becomes costly.

So you do not always save anything by going too close to the line as long as in the process you leave some reasonable elbow room for borrowing. This is merely the authority to be used only when the Government finds itself in a position not to be able to meet the obligations in which the House of Representatives and the Senate have concurred.

Mr. SYMMS. Mr. Chairman, I appreciate the gentleman yielding, and the answer given. The gentleman pointed out that the revenue of the Government increased so we did not have to ask for as much money, but the spending has continued to increase also.

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

Mr. COLLIER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SYMMS. If the gentleman will yield further, as I said, the spending has continued to increase, and what I am trying to get at is you have to try to use some kind of a lever.

Mr. SCHNEEBELI. The best lever to use is budgetary control. The debt ceiling is after the fact. It is a rather futile gesture. I think we are spending too much money, and I am glad that it is about to be replaced by something a little more acceptable and practical.

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

Mr. SCHNEEBELI. I yield to the gentleman from Iowa.

Mr. GROSS. Does the setting of this increase in the debt ceiling include in any way, shape, form, or manner the $2.2 billion on top of other budgeted funds that the President is asking Congress to appropriate?

Mr. SCHNEEBELI. It does not.

Mr. GROSS. As a result of his unilateral intervention in the Middle East?

Mr. SCHNEEBELI. It does not.

I might also remind the gentleman that neither the House nor the other body have voted for this increase either; $2.2 billion is the request. That may be revised, and I hope downward.

Mr. GROSS. Knowing something about the operation of the House of Representatives and, by some distance, the other body, I am not too sure that the gentleman can take very much consolation from the fact that the request has been made, or the hope that it will be a less amount downward.

In this money that has accrued to the Government, is any of that attributable to the recent devaluation of the dollar, and the increase in the value of despicable gold?

Mr. SCHNEEBELI. The gentleman means the increase in the Federal income?

Mr. GROSS. That is correct.

Mr. SCHNEEBELI. It is due largely to corporate profits which are higher than were anticipated. There are also more people on the payroll who are paying more taxes and making more money. It is due to the increase in the incomes of the individuals as well as corporations.

Mr. GROSS. Did not the Government pick up $100 billion, at least that much, by virtue of the devaluation of the dollar, and the increase in the price of gold?

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

Mr. COLLIER. Mr. Chairman, I yield 4 minutes to the gentleman from Vermont (Mr. MALLARY).

Mr. MALLARY. Mr. Chairman, I just take this time, briefly, to advise the Members that I am going to be offering an amendment when we get into the 5-minute rule. I am not discussing the level of the debt, nor do I intend to discuss any new legislative initiatives or addition to the debt level; the only issue is whether we have a permanent or temporary debt ceiling. The amendment that I plan to offer will make the debt limit as recommended by the Committee on Ways and Means, $478 billion, permanent rather than $400 billion permanent, and $78 billion of temporary debt.

I certainly have no particular constituent pressure back home to vote for a debt increase because nobody likes any increase in the debt at all.

If we analyze recent history, we find that since the level of the temporary debt reached $50 billion in 1972, we have had a pattern of nongermane Senate amendments being added to the debt ceiling bill. In 1972, June, we had a 20-percent social security increase; in October 1972, we had a spending ceiling, the Joint Committee on Budget Control, legislation with regard to information on impoundments, and amendments relative to the unemployment compensation laws.

In June 1973, the Members will recall that we also dealt with the 5.9-percent increase in social security and the social security tax increase, and I am not discussing the amendments that have been stripped from it in conference.

I was pleased to hear the gentleman from Oregon just recently say that he thought it was unwise to add to a debt ceiling bill a lot of nongermane matter. I think that it is good advice for us here in the House. We passed the rule on that basis, and I think it is good advice for us not to send over to the other body a sitting duck for nongermane amendments.

I have been unhappy with the House being held hostage as we have been in the past 2 years for nongermane amendments coming over on this bill, and although making the debt ceiling permanent is not anything that any of us are enthused about, and although it will not help us this fall, I can assure the Members that if we adopt this amendment, next June 30 we will have an opportunity to consider a good many more amendments on a deliberative and orderly basis than we have been able to up to now.

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

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

Mr. DENNIS. I thank the gentleman for yielding. What the gentleman is saying, although I am not versed in this field, makes very good sense. Certainly if we do anything about nongermane amendments, it will be desirable. I am very tired of them not only on this bill, but on a number of other measures which are coming before us.

Would the gentleman mind explaining just a little bit more how his proposed amendment will help that situation?

Mr. MALLARY. I will be very happy to. At the present time with a $400 billion permanent debt limit and a $65 billion temporary limit, at any time that the temporary limit expires—and it is going to expire November 30 of this year—we would face fiscal chaos and perhaps the fiscal collapse of the Federal Government, because we could not refund bonds and we could not pay checks. Therefore, we are under the gun every time to renew the temporary debt limit, and if nongermane amendments come back on the bill at the last minute from the other body, we do not have the option of taking the time for considering them deliberatively, or raising points of order, or denying them, because we are under the pressure that the Federal Government fiscally will collapse if we do not pass the bill by the fixed deadline. It is that which most concerns me.

Mr. DENNIS. If the gentleman will yield further, I think his point is that we would both have to come back a little less often, if we made this permanent at $478 billion, and also when we did come back, we would not be in as vulnerable a situation, because a breakdown would not be so imminent and we would have a little more leeway.

Mr. MALLARY. I would hope we would not come back so often, but the primary concern I would have is that the Government would not break down if we declined to pass an additional increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise to recommend passage of H.R. 11104, a bill to provide for a temporary increase in the amount of public debt subject to statutory limitation. This bill would increase the temporary debt ceiling to $478 billion through June 30, 1974.

The present temporary debt limit of $465 billion will expire on November 30 of this year, and without further action by the Congress, the debt limit reverts to its permanent level of $400 billion on December 1. Yet the actual debt is expected to exceed $465 billion late in November. Thus an increase in the temporary debt ceiling is required before the final week of November if the Treas-

ury is to be permitted to maintain an operating cash balance in the amount normally required for efficient financial management.

The $478 billion debt limit recommended in the bill by the Ways and Means Committee is $2 billion less than the amount requested by the Secretary of the Treasury in his testimony before the committee. While this will undoubtedly make the Treasury's cash management task more difficult at times, I believe that the Treasury should be able to operate efficiently within this limit barring major unforeseen circumstances, and I believe that the Congress should provide a reasonable but not excessive margin for contingencies.

A vote for increasing the amount of the debt limit is not, of course, a vote for increasing Federal spending or deficits. The level of Federal spending, and thus the deficit, is otherwise determined by the Congress in the appropriations process. Having thus voted for the spending programs that require increased Government debt, the Congress must now face up to its responsibility to permit the Treasury to borrow the money necessary to discharge its obligations.

It should also be made clear that there is no inconsistency between increasing the debt limit and balancing the budget in the fiscal year 1974. Even with a balance in the unified budget, the Treasury is required to increase its debt substantially because of the large amounts of Treasury securities issued to the Federal trust funds. Thus, while the Treasury estimates a balanced budget in fiscal year 1974, the trust funds are estimated to have a surplus of $15 billion which will be invested in Treasury securities and will thus cause an increase in the public debt despite the balance in the unified budget.

It is also important to note that as a result of language the committee voted to include in the committee report regarding the legislative intent of the Second Liberty Bond Act, it will be possible for the Treasury to increase the rate paid on U.S. savings bonds to 6 percent. Such a hike in this rate is needed so that the millions of Americans holding these bonds will be able to get a return on them commensurate with the return being paid by other investments. I believe this increase is long overdue.

Mr. Chairman, we must act responsibly to increase the public debt limit and the legislation recommended by the Ways and Means Committee does just this. It should be supported in its recommended form without extraneous matters tied to it. Those other legislative items can be dealt with separately on their own merits. Let this bill either pass or fail on the same basis.

Mr. HARRINGTON. Mr. Chairman, earlier today I joined with many of my colleagues in opposing the rule providing for the consideration of H.R. 11104, the debt ceiling bill. This rule has prevented the House of Representatives from considering a very important amendment that would have been offered by Congressmen REUSS and VANIK. This amendment was designed to make major improvements in our social security system, and would have made important and long overdue reforms in our loophole-ridden tax system. The Reuss-Vanik proposal would have increased social security benefits immediately by 7 percent, and a further 5.9-percent increase in benefits would have become effective on July 1, 1974.

The proposal also would have tightened the minimum tax on so-called preference income and tightened loopholes. Unfortunately, the House Rules Committee, reversing an earlier decision, acted to frustrate consideration of the Reuss-Vanik proposal. Subsequently, an effort to allow for the consideration of the Reuss-Vanik amendment has, lamentably, failed.

The Ways and Means Committee has failed to take the necessary action to provide the 26 million elderly Americans with a social security increase they desperately need now—not months from now. Instead, the committee accepted, by one vote, an administration proposal that will increase social security benefits by 10 percent, but this increase will not become effective until July 1 of 1974. This proposal fails to meet the immediate needs of millions of elderly Americans, who have too long borne the brunt of today's punishing inflation. A responsible Congress should act now to provide needed relief for the millions of elderly Americans who are on fixed incomes and thus unable to cope with rising prices. Granted, the Ways and Means Committee will soon report to the House legislation that will increase benefits by 10 percent next July, but we must ask ourselves, how can we expect social security recipients to adequately survive in the interim?

For these reasons, I opposed the rule granted for the debt ceiling and I strongly supported the substitute rule and the Reuss-Vanik amendment. This amendment would have provided an immediate 7 percent social security benefit increase, with an additional 5.9 percent cost-of-living increase next July. It would have also implemented major reform of key inequities in our tax system, providing enough revenue, $3 billion, in the process to completely finance the social security increase—without further increases in the already heavy payroll tax, as is called for in the Ways and Means Committee proposal.

The Reuss-Vanik proposal, had it been considered, would have significantly expanded the revenue gained through the minimum tax, as well as bringing a measure of equity to our tax system. Currently some kinds of unearned income are taxed at far lower rates than "ordinary" earned income. This amendment would have lumped together important kinds of preference income and taxed this income at one-half the ordinary tax rate. This provision would have increased taxes on capital gains, as well as reduced the tax-avoidance features of the accelerated depreciation allowance for real estate and the notorious oil-depletion allowance. The current exemption of $30,000 of preference income would have been lowered to $10,000. The deduction allowed for taxes paid on nonpreference income contained in existing law would have been ended. And, the tax rate on preference income would have been increased from the current 10 percent flat rate, to one-half the rate from ordinary tax tables.

This is not as far-reaching a proposal as I would favor, but it would have been an important step forward. This proposal would have made a few wealthy taxpayers, now getting unfair breaks, pay their fair share, as more than 90 percent of the estimated yield from these changes in the tax laws would have come from taxpayers with adjusted gross incomes in excess of $50,000.

Congress has made an error in not passing this amendment that would have meant so much to our elderly and been so important for the fairness of our tax system. The senior citizens of our country, faced with daily jumps in prices, need our help now. They need an immediate 7-percent increase in social security. But the House, by refusing to consider this amendment, has turned its back on them.

Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to this proposal which would increase the public debt from the present level of $465 billion to $475.7 billion, and thus place our shaky economic situation in even more jeopardy.

At the end of 1968, our public debt was $350.7 billion, and now, 5 years later, it is up to $462.7 billion—an astonishing 32 percent or $112.7 billion increase in only 5 years.

This year in fact, we are paying $26 billion—a full 7 percent of the total Federal budget—merely to pay off the interest on the money borrowed over the last several years.

But, even more shocking is the fact that our public debt represents almost 40 percent of gross national product.

Mr. Chairman, we cannot continue to operate in this manner; we cannot continue to fund programs with borrowed money.

Let me recite a little recent history to remind my colleagues of the spending spree that the Government has been on:

In 1970, the Federal Government spent $196.6 billion—$2.8 billion more than it collected in taxes.

In 1971, it spent $211.4 billion—$23 billion more than the amount collected in taxes.

In 1972, $231.9 billion was spent by the Federal Government—$23.2 billion more than it collected in taxes.

In 1973, $249.8 billion was spent to fund Federal programs—taxes collected fell $24.8 billion short of meeting that figure.

And, finally, 1974, the Federal Government will spend an estimated $268.7 billion, but tax revenues will fail to meet that level by $12.7 billion.

A balanced budget, it seems to me, is not impossible and can only be restored by fiscal restraint and fiscal responsibility.

The place to start is by cutting unnecessary programs and by placing the administration on notice that spending now to be repaid in the future will not be tolerated.

The time has passed for the Congress to take the initiative and stop burdening future generations with even higher taxes. The time has passed for the Congress to cut Federal spending and thus help control the inflation that continues to eat into the dollar.

Mr. VANIK. Mr. Chairman, in the near future—certainly during our next consideration of the public debt ceiling legislation—it would be my hope that the Congress could act to place the activities of the Export-Import Bank back under the public debt ceiling.

The Export-Import Bank was removed from the national debt by a provision in the Export Expansion Finance Act of 1971. When that bill was on the floor of the House, I offered an amendment to keep the Bank and the sums it borrowed from the Treasury inside the debt. That effort lost by a vote of 112 to 249.

Since then, many of the arguments used in opposition to my amendment have become invalid.

For example, it was argued that the Bank was not like other federally backed lending institutions kept in the debt. It was said that "other" banks made "low" rate loans of 2 or 3 percent over long periods. The Export-Import Bank, however, was said to make only "hard" loans: high, 6-percent loans, with quick repayment.

Now we find that the Bank is asking for an additional $10 billion in commitment authority so that it can make 6-percent loans into the Soviet Union and Eastern European countries, repayable to the Bank generally over 6 to 12 years. There is no way that such loans can be called "hard or safe" loans under today's interest rate conditions and in light of the lack of financial information we have about many of these Eastern European countries.

Another argument against keeping the Export-Import Bank in the national debt was that it made a profit; it returned more money to the Treasury than it took out.

First, if the Bank is such a sure thing, if it is so profitable, why does the Federal Government have anything to do with it? Why cannot private institutions take it over and run it without Government backing? Apparently, those who are selling their goods and jumbo jets in these foreign countries are fearful of defaults and nationalizations. They want Uncle Sam to back them up and protect them—to save them from heavy losses.

In addition, if the Bank is so profitable, why does it not pay back the Treasury for the capital provided by the taxpayers? Instead, while returning $50 million in dividends to the Treasury in fiscal year 1973, the Bank had an operating income of $152.2 million in fiscal year 1973 but expenses of $223.7 million. Net borrowings from the Treasury were $144.2 million in fiscal year 1973. Borrowings will undoubtedly be higher in fiscal 1974 due to the high interest rates and the Bank's request for $10 billion in commitment authority.

The argument that the Exim is self-supporting and does not require any taxpayer-supported Federal subsidy does not hold water. The subsidies, although not cases of out-and-out financial support, usually come in the form of back-door subsidies. The nature of the subsidies was well described at hearings on Exim before the Senate Subcommittee on International Affairs of the Senate Banking Committee in March of 1971.

Basically, the subsidies to Exim fall in several areas:

First. The diversion of capital from domestic needs and business. For example, if $10 million is loaned to a foreign country for purchase of some American export product, that $10 million must be borrowed by Exim from the Treasury or from the private market, thus precluding domestic use and circulation of that capital. The cost of such a capital withdrawal from the domestic money pool is difficult, if not impossible, to figure—how can we calculate the effect of the unavailability of capital in American business? How can we know when the diverted money could have instead, for example, gone to scientific research, to create new products and to increase domestic productivity?

This problem area is compounded when Exim makes loans in order to allow purchase of American products that have very little or no foreign competition. This is the case with many American aircraft sales abroad—and in fiscal year 1973 nearly one-third of the banking loans, $710 million, were for jumbo jets and 707's.

In all probability, those foreign buyers would have "bought American" regardless of the availability of Exim loans, because of the proven superiority of these American planes. It would make far more sense for Exim to instead guarantee loans from other sources, and thus decrease the amount of committed capital—thus reducing the level of subsidies required for the sale of noncompetition products.

Second. In addition to the diversion of capital from domestic areas and the subsidies that situation creates, money borrowed from the Treasury by Exim is money that could have ordinarily been used to stabilize the national debt, and since that is not occurring, more money must be borrowed—from the private market—at a high interest rate. This, of course, is another hidden subsidy that eventually reaches into the pockets of the American taxpayer.

Third. The other area of Federal subsidy to the Exim Bank is the privilege allowed Exim of borrowing money from the Treasury at interest rates lower than the rates the Treasury must pay to obtain the money. While the Exim loan rate to foreign businesses was only 6 percent, the Treasury Department had to pay the market rate of almost 9 percent to get that money for Exim to loan. The difference between the two rates is another subsidy. Taking just the fiscal year of 1970 as an example, it has been estimated that this interest rate differential subsidy amounted to $16.8 million.

The interest subsidy in fiscal year 1973–74 will undoubtedly be even higher due to the unprecedented high interest rates.

In conclusion, Senator PROXMIRE estimated in the subcommittee hearing, the total subsidy to Exim in fiscal year 1970 was $68.8 million.

Mr. Chairman, whenever a federally backed agency—in or out of the debt ceiling—borrows in the private money markets, it creates a cost in higher interest rates for all borrowers. The Federal financing of that cost is a subsidy which should be examined and controlled by the Congress.

The effect of placing the Bank outside of the debt is to remove the Bank from annual expenditure and net lending limitations imposed by the budget. The Commission on Budget Concepts, appointed in 1966, and composed of former Secretary of the Treasury, Kennedy; the Comptroller General; Chairman MAHON; and our late colleague, the Honorable Frank Bow, unanimously recommended that all programs operated by entities in which the capital stock is owned by the Government or which have recourse to Federal funds should be included in the budget on a net lending basis.

In other words, this distinguished Commission recommended that the budget totals should include the difference between loan outlays or disbursements on the one hand and loan repayments on the other hand. In short, the Export-Import Bank should be in the debt total.

The Comptroller General, Mr. Staats, testified before the House Banking and Currency Committee in the spring of 1973 in opposition to excluding the Bank from the debt ceiling. As he said in his testimony:

> In our view, excluding the Export-Import Bank's receipts and disbursements from the budget totals would establish a highly undesirable precedent since the exclusion could, with equal logic and justification be applied to other loan programs.
>
> In my opinion, it is impossible to differentiate between this program and other loan programs in the budget. It would open the door to excluding other programs, a weakening of the budgetary process, and reduce the ability of the Congress to establish budgetary priorities.

At this time of new directions for the Bank, and the need for greater congressional control over expenditures, I would hope that the Congress would consider favorable efforts to return the Bank to coverage within the debt ceiling.

Ms. ABZUG. Mr. Chairman, today I shall vote to oppose another increase in the temporary limit on public debt. This is a perennial issue Congress faces. The arguments I have raised in the past remain true today. By adding to the public debt, we raise the tax burden, especially that of the middle- and lower-income citizens. In addition we abdicate our constitutional responsibility to determine how much the Government should spend. If, as some say, we are spending too much, it is our duty to determine what should be cut. We are not legally permitted to surrender such responsibilities to the President or the Office of Management and Budget. Finally, by submitting to a higher debt limit we are in effect sanctioning the terribly misshapen priorities of this administration and condoning its fiscal irresponsibility.

As I have argued before, I am not opposed to additional spending. I believe that we must be prepared to spend massive amounts for such programs as housing, child care, public service employment, mass transit, and pollution abatement. We have for too long neglected these vital domestic needs in favor of wasteful military adventures, and if money alone is the price we eventually pay for that neglect, we will be fortunate indeed.

The problem is that raising money by borrowing it merely adds an additional

burden—that of the debt service—to the existing inequitable tax structure. This sort of device merely adds to the lion's share of the burden already borne by our low- and middle-income citizens, and we then add insult to injury by spending the money on weapons instead of houses, schools, and child care centers.

There are many better ways to raise money. Tax reform has been talked about and promised for several years. We are still waiting for the major reform proposal promised by the President in August 1971. We will wait a long time more judging by today's events. And we certainly provide no incentive whatsoever for him to act on tax reform if we persist in granting each of his revenue requests. Indeed our failure to pass one modest reform as an addition to this bill is a clear message to the President that he and the special interests he serves are still in control of the pursestrings. I cannot explain or justify this situation to my constituents. Is it so unreasonable to suppose that if we failed to provide Mr. Nixon with a fiscal cushion for his next series of deficit expenditures, he might be forced to face both tax reform and fiscal responsibility? Are not such ends entirely consistent with the public interest?

If we pass this bill, we are in effect approving the unjust tax system, the additional billions for defense, including whatever is needed to insure more war in Southeast Asia, and the starvation of human priorities at home.

Mr. EDWARDS of California. Mr. Chairman, I am compelled to vote against H.R. 11104 which seeks to raise the temporary public debt limit from $465 to $478 billion. I feel that limitation of the public debt is a totally unsatisfactory way of controlling budgetary expenditures and revenues. It is also another convenient way of giving the President what he wants without a direct confrontation on the issues and without invoking another Presidential veto.

This Congress, under pressure from the administration and despite the end of the war in Vietnam, has appropriated funds for an increased defense budget. Without rigorous and careful examination of the need for this excessive spending, we have funded more money than ever before for the military complex. At the same time, we have put up with the refusal of the Ways and Means Committee to begin work on meaningful tax reform. With a new and equitable tax system, we can close tax loopholes, insuring that large corporations, people in the high income brackets, and others who presently contribute little if anything to the Federal coffers are assessed a fair share of their income, and thereby greatly expand our spending ability.

Cutting the fat defense budget and increasing tax revenues through tax reform would easily eliminate the need to raise the debt ceiling. They would also put into effect the proper congressional mechanisms for legislative control of fiscal matters. It is high time that Congress reasserted its directive power in this critical area, rather than allowing the executive branch to set policy and then accepting executive demands that such policy be implemented as they see fit. It seems to me highly irresponsible as well as inequitable for us to saddle future generations with a huge public debt because we failed to take effective steps to control Government spending and increase Federal revenues.

Mr. ULLMAN. Mr. Chairman, I have no further requests for time.

Mr. COLLIER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on June 30, 1974, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $78,000,000,000.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYMMS: On page 1, line 7, strike the figure "$78,000,000,000" and insert the figure "75,700,000,000".

Mr. SYMMS. Mr. Chairman, I offer this amendment today, even after the debate that we had and the colloquy with the ranking members of the minority on the Committee on Ways and Means and on the majority side, because I feel that the increasing of the national debt is the only way that we ever discuss how it is that we are organizing the debt of this country into our currency and debasing the currency that the people use in the exchange for their goods and services. In our specialized society the total debasement of our currency will be much more devastating to our country and our people than it has been in any other society before us because of the specialization that we now live in.

I think that healthy discussion about increasing the national debt, even if it has to come up a month or two earlier, is a very healthy thing, and bear in mind it does not have to come up if we tighten our belt.

My amendment very simply lowers the national debt from $478 billion down to $475.7 billion.

This is a $2.3 billion cut. It in no way will put the Government in a position where it will not be able to meet its obligations and pay its bills. It will bring a little more light into the subject of looking into waste we have in the Federal Government.

We have given the President authority this year and the power to ask the private sector of our economy not to raise prices and not to have wage raises but somehow we never seem to want to give that message back to the appropriation level of the Federal Government. I certainly am in sympathy with the gentleman from Pennsylvania (Mr. SCHNEEBELI) on his position that budgetary control is the proper way to do this, but as I see it this is the only way we can vote to send a message to the Appropriations Committee that we would like to appropriate less money and send a message to the administration and the House leadership of both our parties that we do not want to keep coming up with schemes for spending more of the taxpayers' money, such as the recent suggestion to spend $2.2 billion on the intervention in this or that war.

I think this is a responsible amendment. I urge support of this amendment to this legislation.

Mr. SCHNEEBELI. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, as was stated in previous debate, the original request for this debt ceiling increase last June was $485 billion. It has been scaled down to $478 billion. The Treasury officials assure us and show us that sometime between April 30 and May 31 the debt ceiling will be at $475 billion or over.

We have been constantly reminded that we cannot put the Secretary of the Treasury in a box so that he is not allowed to sign checks for a period of 3 or 4 days. This happened in the Eisenhower administration in 1958. The Treasury was embarrassed. There was a financial fiasco that ensued as a result of this too tight debt ceiling.

A $3 billion contingency fund has always been authorized by the House. This $478 billion we feel is a very strict debt ceiling. It was reduced from $485 billion that was requested in June.

We are very much opposed to this further limitation and reduction.

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

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I associate myself as do others over here with the remarks made by the gentleman from Pennsylvania. In view of the world situation and the critical problems we have ahead of us and the uncertainties about the economy, we think it would be wise to stay with the $478 billion. We think we have cut the administration enough. They could live within this budget, but it would in our judgment avert any national crisis.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Idaho.

Mr. Chairman, this is a very reasonable amendment. In fact, I would like to cut it another $100 million.

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

The CHAIRMAN. The Chair will count.

Sixty-one Members are present, not a quorum. The call will be taken by electronic device.

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

[Roll No. 565]

Anderson, Ill.	Foley	Moss
Ashley	Fraser	Murphy, Ill.
Bell	Gray	O'Hara
Blackburn	Green, Oreg.	Patman
Blatnik	Gubser	Reid
Bolling	Hansen, Wash.	Rooney, N.Y.
Buchanan	Hébert	Rooney, Pa.
Burke, Calif.	Jarman	Rosenthal
Burton	Jones, Tenn.	Ryan
Carey, N.Y.	Kastenmeier	St Germain
Clark	Lehman	Sandman
Coughlin	Mahon	Stanton, James V.
Davis, Wis.	Mayne	Tiernan
Diggs	Metcalfe	Young, Ga.
Dingell	Mills, Ark.	
Edwards, Calif.	Mitchell, Md.	

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee

having had under consideration the bill (H.R. 11104) and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 387 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Chairman, if we have ever been concerned about Federal spending, we had better be concerned about it this afternoon, because this might be our last opportunity to do something about recklessness and extravagance in Government.

I am supporting the distinguished acting chairman of the Committee on Ways and Means (Mr. ULLMAN) in his attempt to put through the budget control bill, but that is still in the far off future and it is highly conjectural whether anything will be done about that or not before we get through this session of Congress.

I am supporting him in that attempt, but I want to point out the figures presented to us in the House Committee on Ways and Means show that the public debt subject to limitation for 1974 as of January 1 would be $467 billion; on February 28 it is projected at $471 billion; on March 31, $473 billion; on April 30, $468 billion; on May 31, $475 billion; and on June 30, $468 billion.

All this is with an operating cash balance of $6 billion on top of that, plus a $3 billion margin for contingencies, over and above that. The amendment offered by the gentleman from Idaho (Mr. SYMMS) is for $475.7 billion, for an increase of $700 million. Thus it means that the administration will have a $6.7 billion cushion in there to play with.

For goodness sakes, let us have a little bit of commonsense around here. Let us stop this extravagant, wild and reckless spending, and this is the vehicle to do it with. At the moment it is the only vehicle for Congress to influence the budget.

Now, some of the Members of the House who are chuckling now should look over my voting record for this year. I have compiled my voting record, and I find out that I have voted for billions of dollars in cuts. So I am seriously concerned about this.

The gentleman from Idaho (Mr. SYMMS) is being very reasonable, and I cannot understand why they need this $478 billion when the administration's own figures here show that they do not have to go any higher than $475 billion.

So I hope that the gentleman from Idaho (Mr. SYMMS) is successful in his amendment, and that his amendment is adopted, and we can get on with the business of the Government.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It is a modest reduction of $2.3 billion in the debt ceiling.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I want to correct my statement. The $3 billion in the contingency fund would have given them a $6.7 billion cushion to play with.

Mr. GROSS. Mr. Chairman, there are apparently ways and means by which the administration can take care of this modest reduction.

Last February there was the sudden announcement from the White House of a 10 percent devaluation of the dollar. By that financial legerdemain Uncle Houdini said the price of gold still held by the U.S. Government was being raised to $42.22 an ounce, an increase of $4.22 per ounce.

In October, 8 months later, Congress finally got around to ratifying by law what had been done by fiat in February, and on October 25, Uncle Houdini thrice waived his magic wand, thrice muttered the magic words, "Presto-Chango," and lo and behold, what happened?

First. The dollar value of the Government held gold was increased $1.1 billion.

Second. The U.S. Treasury started its printing presses, and presented the Federal Reserve system with certificates representing the allegedly increased value. In turn, the Federal Reserve credited the U.S. Treasury's checking account with the $1.1 billion devaluation bonus.

Third. It is estimated that by early November the Treasury had issued kited checks to the tune of some $3 billion on the basis of the "windfall" from the gold price increase.

How nice it is on this occasion of a proposed $13 billion increase in the debt ceiling to know that we have an Uncle Houdini in our midst, waiting in the wings at the White House, to wave his magic wand and, if necessary, make three blades of grass grow where one grew before, or $3 where one appeared before

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

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

Mr. HAYS. I do not know who this Uncle Houdini is, but if we just raised the price of gold that we hold to the market price on the gold exchange, we could probably do without this bill altogether.

Mr. GROSS. But that would be too simple. Better to wave the magic wand, say "presto change-o" once or twice.

Mr. HAYS. Or, better still, sell the gold. Maybe that is what we ought to do.

Mr. GROSS. The countries of the Old World have tried devaluation and revaluation innumerable times and their citizens wound up with bushel baskets to carry the paper money necessary to buy the family groceries. Apparently Congress is going to keep raising the debt ceiling to accommodate more inflation, more spending, more borrowed money, and more fiscal insanity.

Mr. HAYS. Will the gentleman yield further?

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

Mr. HAYS. It will bring it closer to the bushel basket, if we look at the market prices now.

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

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

Mr. COLLIER. Is the gentleman recommending, since we are not now selling gold, that we sell what we have got at Fort Knox? Is that what the gentleman is recommending?

Mr. GROSS. On the basis of the devaluation of the dollar, and some fast footwork the Government picked up $1,100,000,000, credited it to the Department of the Treasury, and it has written $3 billion worth of checks.

Mr. COLLIER. But it was not picked up in the budget is what I am saying. I am saying it is not being sold. We are not selling gold. Is the gentleman recommending that we do, because it is not in the budget? The gentleman knows it is not in the budget.

Mr. GROSS. All I am saying is that by fiat, by fiscal legerdemain the Government picked up $1,100,000,000, and on the basis of that the Treasury has written checks for $3 billion.

Mr. COLLIER. The point is that we cannot convert it into a Treasury asset at this point.

Mr. GROSS. That is exactly what has been done, if they are writing checks on it. Mr. Chairman, I urge support for this amendment. It ought to be an even greater reduction in the debt ceiling.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONABLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not use my entire 5 minutes.

Mr. Chairman, if the debt ceiling reduction by this amendment would reduce spending in fact, I would be in favor of it. It is another one of these lock-the-barn-after-the-horse-has-escaped type of amendments. The net effect would be simply to speed up the time frame in which we would consider the debt ceiling increases again.

I believe that the practice since 1968 of holding the whole Government hostage to amendments of the sort that have been proposed for this debt ceiling and that inevitably will be added in the other body is a dangerous practice. We will be far better off to accept the debt ceiling as the Committee on Ways and Means has prepared it, and to make serious efforts with respect to the other processes available to us, not only to improve the budgeting procedure but also to express in our daily votes here on the floor concern for sound fiscal policy. If the report of Mr. ULLMAN's committee budget study were to be adopted, we would need no debt ceiling procedure at all. As it is, at best it has proved an ineffective instrument of fiscal policy.

With this in mind, I urge the defeat of this amendment. I urge the support of the committee bill as it has been brought forth, and I urge prayerful consideration in the future of our responsibilities with respect to the fiscal policy when such consideration can be effective, rather than after the fact.

Mr. ULLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the committee did not arrive at this figure by accident. We looked very carefully at this matter and cross-examined the witnesses, including the Director of the Budget and the Sec-

retary of the Treasury. In our judgment we pared this amount down as much as we could and still act with responsibility.

Let me just read to the Members the debt limit that will be required assuming a $6 billion cash balance, which is a reasonable figure, and a $3 billion contingency allowance, which considering the magnitude of the debt is a minimum figure. Let me say the Treasury estimates that they will need $475 billion on March 8. But starting back in January 8 the figure is $472 billion; then on the 31st it is $470 billion; on February 15, $469 billion; on February 28, $474 billion; on March 8, $475 billion; and then on March 31, $476 billion. Then on April 10 the figure goes to $478 billion; on April 30, to $471 billion; on May 15, to $472 billion; on May 31 to $478 billion; on June 11, to $480 billion, and on June 30, to $471 billion.

Even our figure of $478 billion crimps the Treasury's cash balance by $2 billion on June 11.

I would say if we adopt this amendment it will mean we will have to come back long before the end of the fiscal year with another debt ceiling bill. We have gone that route before and I think it would be unwise to do it at this time.

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

Mr. ULLMAN. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman for yielding.

I would like to say for the benefit of the chairman and of the committee that this amendment was not offered in any way in a spirit of criticizing the ability of the Ways and Means Committee to decide where that figure should be, but I think it has been brought out in the debate that there is a cushion in the figure the committee has asked for, and it is my intent to telegraph to the White House and to the Appropriations Committee the message that we ought to balance the budget or at least stop continuing in this direction of overspending.

Mr. ULLMAN. I could not agree with the gentleman more that we ought to telegraph that message, but I think there are better ways of doing it. I think if we get a congressional budget that would be the real way of doing it.

Mr. SYMMS. If the gentleman will yield further, I would like the gentleman to know that I support his legislation but we do not have that legislation before us now, but this is a way we can take to let them know they are going to have to live with less money and I think we can tighten our belt by this small percentage.

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

Mr. ULLMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding.

The distinguished gentleman from Oregon has pointed out that when mid-March comes the anticipated Federal debt will equal the level of debt provided if this amendment is passed. He has said that the alternative at that time will be to come back to the House of Representatives and Congress as a whole for another increase if this amendment passes, that is, for another increase in the debt ceiling.

I would point out to the Members that there is another alternative, and that is one that this Congress has expressed so much distaste for throughout this year, this 1st session of the 93d Congress, and that is the mechanism of impoundment. The administration can impound funds and stay within this ceiling. So we have to choose which of the processes we want them to employ, whether we want them to impound and stay within the ceiling or whether we want to come back and go through another vote to raise the debt ceiling within a few months.

Mr. ULLMAN. Mr. Chairman, I urge the defeat of this amendment.

Mr. SCHNEEBELI. Mr. Chairman, I stated previously my objection to this amendment. Last June the Treasury asked for a debt ceiling of $485 billion. That was last June. We scaled this down to $478 billion.

I would like to suggest to the House that we have done a pretty good job and we ask for your support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SYMMS).

The question was taken; and on a division (demanded by Mr. SYMMS) there were ayes 89, noes 74.

RECORDED VOTE

Mr. SCHNEEBELI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 147, not voting 23, as follows:

[Roll No. 566]

AYES—263

Abdnor	Clawson, Del	Goldwater
Abzug	Clay	Goodling
Adams	Cleveland	Grasso
Addabbo	Cochran	Gross
Alexander	Collins, Ill.	Grover
Anderson, Calif.	Collins, Tex.	Gunter
Andrews, N.C.	Conlan	Guyer
Andrews, N. Dak.	Conyers	Haley
Annunzio	Cotter	Hanley
Archer	Crane	Hanna
Armstrong	Cronin	Hanrahan
Ashbrook	Daniel, Dan	Hansen, Wash.
Ashley	Daniel, Robert W., Jr.	Harrington
Aspin	Daniels, Dominick V.	Harsha
Badillo	Davis, S.C.	Hawkins
Bafalis	de la Garza	Hays
Baker	Delaney	Hechler, W. Va.
Bauman	Dellums	Heckler, Mass.
Beard	Denholm	Helstoski
Bennett	Dennis	Henderson
Bergland	Dent	Hillis
Bevill	Derwinski	Hinshaw
Biaggi	Devine	Hogan
Boland	Dickinson	Holt
Bowen	Dingell	Holtzman
Brademas	Donohue	Huber
Brasco	Dorn	Hudnut
Brinkley	Downing	Hungate
Broomfield	Drinan	Hunt
Brown, Calif.	Duncan	Hutchinson
Broyhill, N.C.	du Pont	Ichord
Buchanan	Edwards, Calif.	Johnson, Colo.
Burgener	Esch	Jones, N.C.
Burke, Fla.	Findley	Jones, Okla.
Burke, Mass.	Fish	Kastenmeier
Burlison, Mo.	Flowers	Kazen
Burton	Foley	Kemp
Butler	Ford, William D.	Ketchum
Byron	Fountain	King
Camp	Fraser	Kluczynski
Carney, Ohio	Frey	Koch
Chappell	Froehlich	Kyros
Chisholm	Gaydos	Landgrebe
Clancy	Giaimo	Leggett
Clark	Gilman	Lent
Clausen, Don H.	Ginn	Litton
		Long, Md.
		Lott
		Lujan
		McCloskey
		McCormack
		McKinney
		McSpadden
		Macdonald
		Madden
		Mann
		Maraziti
		Martin, N.C.
		Mathias, Calif.
		Mathis, Ga.
		Matsunaga
		Mazzoli
		Melcher
		Metcalfe
		Mezvinsky
		Milford
		Miller
		Minish
		Mink
		Minshall, Ohio
		Mitchell, N.Y.
		Mizell
		Moakley
		Montgomery
		Moorhead, Calif.
		Morgan
		Myers
		Nichols
		Obey
		O'Neill
		Owens
		Parris
		Patten
		Perkins
		Peyser
		Pike
		Powell, Ohio
		Preyer
		Price, Tex.
		Pritchard
		Quie
		Randall
		Rangel
		Rarick
		Reid
		Reuss
		Rinaldo
		Robinson, Va.
		Rodino
		Roe
		Rogers
		Roncalio, Wyo.
		Roncallo, N.Y.
		Rose
		Rosenthal
		Roush
		Rousselot
		Roy
		Roybal
		Runnels
		Ruth
		Ryan
		Sarasin
		Sarbanes
		Satterfield
		Scherle
		Schroeder
		Sebelius
		Seiberling
		Shipley
		Shoup
		Shuster
		Sikes
		Skubitz
		Smith, Iowa
		Snyder
		Spence
		Staggers
		Stark
		Steele
		Steelman
		Steiger, Ariz.
		Stokes
		Stuckey
		Studds
		Sullivan
		Symington
		Symms
		Taylor, Mo.
		Taylor, N.C.
		Teague, Tex.
		Thone
		Thornton
		Tiernan
		Towell, Nev.
		Treen
		Udall
		Van Deerlin
		Vander Jagt
		Vanik
		Veysey
		Vigorito
		Waldie
		Walsh
		Wampler
		Whitehurst
		Whitten
		Williams
		Wilson, Charles H., Calif.
		Wilson, Charles, Tex.
		Winn
		Wolff
		Wylie
		Yates
		Yatron
		Young, Alaska
		Young, Fla.
		Young, S.C.
		Zablocki
		Zion
		Zwach

NOES—147

Arends	Gonzalez	O'Brien
Barrett	Green, Pa.	Passman
Biester	Griffiths	Pepper
Bingham	Gubser	Pettis
Boggs	Gude	Pickle
Bolling	Hamilton	Poage
Bray	Hammer-schmidt	Podell
Breaux	Hansen, Idaho	Price, Ill.
Breckinridge	Harvey	Quillen
Brooks	Hastings	Railsback
Brotzman	Heinz	Rees
Brown, Mich.	Hicks	Regula
Brown, Ohio	Holifield	Rhodes
Broyhill, Va.	Horton	Riegle
Burleson, Tex.	Hosmer	Roberts
Carey, N.Y.	Howard	Robison, N.Y.
Carter	Jarman	Rooney, Pa.
Casey, Tex.	Johnson, Calif.	Rostenkowski
Cederberg	Johnson, Pa.	Ruppe
Chamberlain	Jones, Ala.	Schneebeli
Cohen	Jordan	Shriver
Collier	Karth	Sisk
Conable	Keating	Slack
Conte	Kuykendall	Smith, N.Y.
Corman	Landrum	Stanton, J. William
Culver	Latta	Steed
Danielson	Lehman	Steiger, Wis.
Davis, Ga.	Long, La.	Stephens
Dellenback	McClory	Stratton
Diggs	McCollister	Stubblefield
Dulski	McDade	Talcott
Eckhardt	McEwen	Teague, Calif.
Edwards, Ala.	McFall	Thomson, Wis.
Eilberg	McKay	Ullman
Erlenborn	Madigan	Waggonner
Eshleman	Mailliard	Ware
Evans, Colo.	Mallary	Whalen
Evins, Tenn.	Martin, Nebr.	White
Fascell	Mayne	Widnall
Fisher	Meeds	Wiggins
Flood	Michel	Wilson, Bob
Flynt	Mollohan	Wright
Ford, Gerald R.	Moorhead, Pa.	Wyatt
Forsythe	Mosher	Wydler
Frelinghuysen	Murphy, N.Y.	Wyman
Frenzel	Natcher	Young, Ga.
Fulton	Nedzi	Young, Ill.
Fuqua	Nelsen	Young, Tex.
Gettys	Nix	
Gibbons		

NOT VOTING—23

Anderson, Ill.	Green, Oreg.	O'Hara
Bell	Hébert	Patman
Blackburn	Jones, Tenn.	Rooney, N.Y.
Blatnik	Mahon	St Germain
Burke, Calif.	Mills, Ark.	Sandman
Coughlin	Mitchell, Md.	Stanton, James V.
Davis, Wis.	Moss	Thompson, N.J.
Gray	Murphy, Ill.	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MALLARY

Mr. MALLARY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MALLARY: On Page 1, strike lines 3 through 7 and insert in lieu thereof the following:

"That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out '$400,000,000,000,' and inserting in lieu thereof "$475,700,000,000."

Mr. MALLARY. Mr. Chairman, this amendment does not affect the level of the debt ceiling, and it is offered at the level just adopted by the Committee. It deals only with the question of whether the debt ceiling will be permanent or whether it will be temporary.

I do this not because of any constituent pressure, because obviously we all know that the constituents are not particularly happy with the increase in the debt. I do it only because of the perverse and the unintended effect we have had recently with the temporary debt ceiling rising as rapidly as it has.

In the last 4 years the temporary debt has gone from $7 billion to $65 billion, and in this bill, it would go up to $75.7 billion. And during that period of time we have become aware that the word "temporary" is obviously fictitious.

We have had a pattern since June 1972, of nongermane Senate amendments being added to the debt ceiling each time it has come up.

In June 1972, you will remember that we passed a 20 percent social security increase on the debt limitation bill.

In October 1972, on the debt limit bill we dealt with spending ceiling; we dealt with the Joint Committee on Budget Control; we dealt with an amendment relating to information on impoundments; and we dealt with amendments to the unemployment compensation laws.

In June 1973, we dealt, on the debt limit bill, with a 5.9-percent increase in social security, and the social security tax increase. In the last three times that we have handled the temporary debt ceiling the House has been held hostage each time to non-germane Senate amendments. The gentleman from Oregon (Mr. ULLMAN), the distinguished acting chairman of the Committee on Ways and Means, said in the general debate, that as far as the House is concerned, he felt it was unwise to add to the debt ceiling bill a lot of nongermane matters. I fully agree with the gentleman. But this bill, as we pass it, becomes a sitting duck for nongermane matters to be added in the other body.

I have been very unhappy with this procedure of having the House held hostage and I have heard on several occasions in the House the anguished cries of Members from both sides of the aisle when the amendments were added by the other body, and we were forced to accept them on the grounds that the Federal Government would fall into fiscal chaos if the temporary debt ceiling expired, because we must refund our bonds and pay our bills.

This amendment to make the debt ceiling permanent would not help us this fall, but it would help on June 30, next year, when this bill's temporary limit would expire.

I would say a vote for this amendment is not a vote for anything to do with the debt ceiling, but is a vote to sustain the prerogatives of the House, and is a vote for orderly procedures under the rules of the House.

I urge a vote in favor of the amendment.

Mr. GIBBONS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Vermont (Mr. MALLARY).

Mr. Chairman, I know that the gentleman who has presented this amendment feels that he is moving toward orderly procedure, and I want to explain to the Members of the House why the gentleman is moving toward disorderly procedure.

True enough, the provision of having a temporary ceiling versus a permanent ceiling is designed to bring the debt ceiling legislation back to the House, but it is not the only way we have of bringing it back to the House; it is just one of the ways.

It is just one of the most orderly ways of bringing it back, because it brings it back at a time certain rather than at a time unexpected. If we look at the size of this debt, and we know what we are dealing with, we realize that the margin of error allowed for is very, very small. Even the finest guessers in this whole economy cannot guess when this debt ceiling is going to run out.

If we do as the gentleman has suggested, we are making it impossible to tell when the debt ceiling will run out; it may run out during the middle of the House recess, or it may run out during the time when the House is involved in other important legislation.

There is another method of bringing the debt ceiling legislation back, and that is to cut the margin of error so close that it just has to come back very soon. The Committee on Ways and Means chose not to do that because every Secretary of the Treasury I have heard in the 11 years that I have been here has said, "If you cut us too close, you make us go into the money market unexpectedly, and we have to borrow money at a time when we either disturb the market very badly and hurt the other borrowers there, or the Federal Government gets stuck with a higher interest rate."

None of us in this room wants to do that. So the Committee on Ways and Means has hit upon this system of having a permanent debt ceiling and a temporary debt ceiling. By having that kind of arrangement, we can predict a time certain in which the House must consider this matter.

If we adopt the proposal that the gentleman has just offered, all that we would be doing is just making it uncertain as to the time when we are going to consider this debt ceiling legislation again. We may force the Treasury into borrowing money at the wrong time, running up the interest rate, and running up the interest rate not only for the Federal Government but for everybody else.

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

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

Mr. MILFORD. I thank the gentleman for yielding.

The question I am very much concerned about is that many of us in legislating a debt ceiling want it to stop there, and by making it a permanent debt ceiling and insisting that it stop there, perhaps we can get some of our spending under reasonable control.

Mr. GIBBONS. That still does not have to do with the issue here. He is trying to knock out the temporary ceiling, and the temporary ceiling has nothing to do with the issue the gentleman just raised. He is trying to put a permanent ceiling on. There is no way to put a permanent ceiling on which does not change except by the conviction of the Members here never to borrow any more money, or never to vote for appropriations that exceed budget receipts. The gentleman has an intelligent position. He is just speaking on the wrong subject right now because the effect of the gentleman's amendment is to make it uncertain as to the time we have to consider this again. We will get caught in the middle of a recess; we will get caught in the middle of other legislative processes and then have this debt ceiling thing to do again.

If we use the temporary debt method and the permanent debt method, we can tell within a month or so as to the time this is going to run out. If we put it all on a permanent ceiling, then we cannot tell when it is going to run out. If we just cut the ceiling too close, the Treasury would go into the money market at the wrong time. It would run up the cost of Government; it would run up the cost of everybody else's borrowing, and the amendment is not going to be effective at all. The gentleman's argument goes to an entirely different point.

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

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

Mr. COLLIER. I thank the gentleman for yielding. My friend, the gentleman from Florida, is one of the most astute members of the committee, and having said that, and said it very sincerely, let me ask him, Does he think a $400 billion ceiling in the light of the obligations that exist is a practical ceiling? It is totally impractical; is it not?

Mr. GIBBONS. The answer is "No." The gentleman knows, I know, and I think everybody else in the room who understands what we are doing here knows, that it is just a device to get us to consider this thing again at a certain time rather than at some uncertain time.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. MILFORD, and by unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

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

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

Mr. MILFORD. There is still one point here that I do not think has been discussed, and that is that not only does the

Senate hold us up on these temporary things, but the House also holds us up, in that we must pass or increase these debt limits or we are told the whole U.S. Government will shut down. If we made this a permanent debt limit, then we would be in a better position to back up and attack this ceiling.

Mr. GIBBONS. We have a permanent debt limit. There are two limits in this bill. One is a temporary limit; the other is a permanent limit. The gentleman who has presented the amendment has not attempted to change the overall limit. That was set in the last vote. He is attempting to remove the temporary limit and make the whole limitation a permanent one. But it really cannot be permanent. As a result the only effect will be to require action on the limitation in the House of Representatives at a time uncertain, perhaps when we may be involved in some other legislation which will have a great deal more significance than this has.

Mr. CAREY of New York. Mr. Chairman, I move to strike the requisite number of words.

This is a complex situation and this committee has worked earnestly to resolve this in such a way that we can have debt management on a responsible fiscal basis. The last thing I think the author of the amendment would want to do at this stage would be to contribute to inflation or to the notion that the country is going to embark on another inflationary cycle. The world is in trouble on inflation. We have been told by those who invest in America both at home and abroad that they do not want to go on buying up big American deficits.

We are trying to control deficits. The congressional budget limitation is the proper way to do it and we are working on that. The most inflationary thing we can do at this moment would be to raise the temporary debt limit to a permanent debt limit from $400 billion to $475 billion because that would provide a new floor to which further increases in the limit would be added.

By increasing the permanent limit to $475 billion we would be telling the public that we are going to a new plateau and from here on we are going upward. We are trying to convince the public and we are trying to convince investors around the world and at home that we mean to get the deficit under control and we want to get the national debt under control, and therefore everything that tends to escalate that limit temporarily or permanently contributes to the notion that we are going to embark upon another inflationary cycle.

Therefore I suggest that the pending amendment is in the nature of an agreement that we are going to continue to go the inflationary route.

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

Mr. CAREY of New York. I yield to the gentleman from Arizona.

Mr. RHODES. I thank the gentleman for yielding.

I asked the gentleman to yield so that I might ask him a question concerning the content of the debt. Is it not a fact that as long as we have included in the debt structure the proceeds from the social security trust fund and other trust funds that the debt is obviously going to go up?

Mr. CAREY of New York. Yes.

Mr. RHODES. And would it be more realistic if we were to take trust funds like that out from under the debt?

Mr. CAREY of New York. The debt is a contract with the American people. We know who owns it. We own it ourselves. The trust funds are involved in borrowing in the same way. The more irresponsibly we handle the debt and the more we play politics with it the more irresponsible we appear in the minds of the American people. If we say we are cutting the debt limit $2.5 billion and we are really not cutting spending, those who know something about it know we are just gerrymandering the debt. We should not do that.

Mr. RHODES. If the gentleman will yield further, I agree with the gentleman and I agree we ought to have in the debt what we spend over and above what we take in.

Mr. CAREY of New York. Precisely. As soon as we agree on what the debt is and meet that head on, the better chance we will have of decreasing the spending we do not need to make.

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

Mr. CAREY of New York. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Chairman, I agree with my colleague, the gentleman from New York. If we raise the debt ceiling permanently we will lock ourselves in and eliminate our annual review, and that is the main tool we have in management of the debt, our annual review. If we eliminate that we remove Congress from the possibility of the management of the debt responsibly. Apparently many seem to be interested in that at this point and I agree we should act responsibly.

Mr. CAREY of New York. Mr. Chairman, the economy vote in the long run is to vote this motion down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. MALLARY).

The question was taken; and on a division—demanded by Mr. MALLARY—there were—yeas 34, noes 120.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to section 1? If not, the Clerk will read.

The Clerk read as follows:

SEC. 2. Effective on the date of the enactment of this Act, section 101 of the Act of October 27, 1972, providing for a temporary increase in the public debt limit for the fiscal year ending June 30, 1973 (Public Law 92-599), as amended by the first section of Public Law 93-53, is hereby repealed.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2 line 3, after the period, insert the following: *Provided further*, that the expenditures of the Government during each fiscal year, including reduction of the public debt in accordance with the provisions of section 3, shall not exceed its revenues for such year except—

(1) in time of war declared by the Congress; or

(2) during a period of grave national emergency declared by the Congress by a concurrent resolution which has passed each House by the affirmative vote of at least two-thirds of the authorized membership of that House.

SEC. 3. Section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), is amended by inserting "(a)" after "SEC. 21.", and by adding at the end thereof the following:

"(b) The public debt limit set forth in subsection (a) is hereby reduced as follows:

"(1) Effective on July 1, 1974, by an amount equal to 2 percent of the net revenue of the United States for the fiscal year ending June 30, 1973;

"(2) Effective on July 1, 1975, by an amount equal to 3 percent of the net revenue of the United States for the fiscal year ending June 30, 1974;

"(3) Effective on July 1, 1976, by an amount equal to 4 percent of the net revenue of the United States for the fiscal year ending June 30, 1975;

"(4) Effective on July 1, 1977, and July 1 of each year thereafter, by an amount equal to 5 percent of the net revenue of the United States for the fiscal year ending on June 30, of the preceding year."

SEC. 4. (a) The Budget submitted annually by the President pursuant to section 201 of the Budget and Accounting Act, 1921, as amended, shall be prepared, on the basis of the best estimates then available, in such a manner as to insure compliance with the first section of this Act.

(b) Notwithstanding any obligational authority granted or appropriations made except such with respect to the legislative and judicial branches of the Government, the President shall from time to time during each fiscal year take such action as may be necessary (by placing funds in reserve, by apportionment of funds, or otherwise) to insure compliance with the first section of this Act.

SEC. 5. The Congress shall not pass appropriations measures which will result in expenditures by the Government during any fiscal year in excess of its estimated revenues for such year (as revenues have been estimated in the budget submitted by the President), except—

(1) to the extent of any additional revenues of the Government for such fiscal year resulting from tax legislation enacted after the submission of the budget for such fiscal year; or

(2) in time of war declared by the Congress; or

(3) during a period of grave national emergency declared in accordance with the first section of this Act; but, subject to paragraph (1) of this section, appropriations measures which will so result in expenditures in excess of estimated revenues may be passed by the Congress only during such a period of grave national emergency.

SEC. 6. This Act shall apply only in respect of fiscal years beginning after June 30, 1974.

POINT OF ORDER

Mr. ULLMAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ULLMAN. Mr. Chairman, the bill before us provides for a temporary change in the debt ceiling in conformity with the Second Liberty Bond Act. The amendment offered by the gentleman from Iowa makes a permanent change in the Second Liberty Bond Act, and therefore is not germane to this bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GROSS. I do, Mr. Chairman, very briefly.

Mr. Chairman, this ought to be a lesson to every Member not to offer a long amendment. Then, perhaps, debate might be started before a point of order is made.

Mr. Chairman, the entire thrust of the bill before us is the national debt and the ceiling of that debt. The main thrust of this amendment is to control the Federal debt and reduce the ceiling.

Mr. Chairman, I believe the amendment is in order.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule on the point of order.

The bill presently before the House provides for a temporary change in the debt limit for this fiscal year, and the amendment constitutes a permanent change in the law.

In addition, the amendment also goes to the preparation of the budget under the Budget and Accounting Act which is under the jurisdiction of another committee. Volume 8 of the precedents of the House provides under section 2914 the following:

To a section proposing legislation for the current year, an amendment rendering such legislation permanent was held to be not germane.

The Chair sustains the point of order.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11104) to provide for a temporary increase of $13,000,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974 pursuant to House Resolution 687, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the Rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

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

Mr. ULLMAN. 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 253, nays 153, not voting 27, as follows:

[Roll No. 567]

YEAS—253

Adams	Bingham	Brotzman
Addabbo	Boggs	Brown, Mich.
Alexander	Boland	Brown, Ohio
Andrews, N. Dak.	Bolling	Broyhill, Va.
	Bowen	Buchanan
Annunzio	Brademas	Burke, Mass.
Ashley	Brasco	Burleson, Tex.
Aspin	Bray	Burton
Badillo	Breaux	Butler
Barrett	Breckinridge	Carey, N.Y.
Bergland	Brooks	Carney, Ohio
Biester	Broomfield	Carter
Casey, Tex.	Hogan	Railsback
Cederberg	Holifield	Rangel
Chamberlain	Holtzman	Rees
Clark	Horton	Regula
Clausen, Don H.	Hosmer	Reid
	Hungate	Reuss
Clay	Jarman	Rhodes
Cohen	Johnson, Calif.	Rinaldo
Collins, Ill.	Johnson, Pa.	Robison, N.Y.
Conable	Jones, Ala.	Rodino
Conte	Jones, Okla.	Roe
Corman	Jordan	Roncallo, N.Y.
Cotter	Karth	Rooney, Pa.
Culver	Kazen	Rostenkowski
Daniels, Dominick V.	Keating	Roush
	Kluczynski	Ruppe
Danielson	Koch	Ryan
Davis, Ga.	Kyros	Sarasin
Delaney	Landrum	Sarbanes
Dellenback	Lehman	Schneebeli
Diggs	Lent	Sebelius
Dingell	Litton	Seiberling
Donohue	Long, La.	Shipley
Dorn	Long, Md.	Shriver
Downing	McClory	Sisk
Dulski	McCloskey	Slack
Duncan	McCollister	Smith, Iowa
du Pont	McCormack	Smith, N.Y.
Eckhardt	McDade	Staggers
Edwards, Ala.	McEwen	Stanton, J. William
Eilberg	McFall	
Erlenborn	McKay	Stark
Esch	McKinney	Steed
Eshleman	Macdonald	Steele
Evans, Colo.	Madigan	Steiger, Wis.
Evins, Tenn.	Mailliard	Stephens
Fascell	Mallary	Stokes
Findley	Martin, Nebr.	Stratton
Fish	Mathias, Calif.	Stubblefield
Flood	Matsunaga	Stuckey
Foley	Mayne	Symington
Ford, Gerald R.	Mazzoli	Talcott
Ford, William D.	Meeds	Teague, Calif.
	Melcher	Teague, Tex.
Forsythe	Metcalfe	Thompson, N.J.
Fraser	Mezvinsky	Thomson, Wis.
Frelinghuysen	Milford	Thornton
Frenzel	Minish	Tiernan
Fulton	Mink	Udall
Fuqua	Minshall, Ohio	Ullman
Gettys	Mollohan	Van Deerlin
Giaimo	Moorhead, Pa.	Vander Jagt
Gibbons	Morgan	Vanik
Gonzalez	Mosher	Vigorito
Grasso	Murphy, N.Y.	Waggonner
Gray	Natcher	Walsh
Green, Pa.	Nedzi	Ware
Griffiths	Nelsen	Whalen
Grover	Nix	White
Gubser	O'Brien	Whitehurst
Gude	O'Neill	Whitten
Hamilton	Owens	Widnall
Hammer-schmidt	Passman	Wiggins
	Patten	Wilson, Bob
Hanley	Pepper	Wright
Hanna	Perkins	Wyatt
Hansen, Wash.	Pettis	Wydler
Harvey	Peyser	Yates
Hastings	Pickle	Young, Alaska
Hawkins	Pike	Young, Ga.
Hays	Poage	Young, Ill.
Heinz	Podell	Young, Tex.
Helstoski	Preyer	Zablocki
Hicks	Price, Ill.	
Hillis	Pritchard	

NAYS—153

Abdnor	Collins, Tex.	Goodling
Abzug	Conlan	Gross
Anderson, Calif.	Crane	Gunter
	Cronin	Guyer
Andrews, N.C.	Daniel, Dan	Haley
Archer	Daniel, Robert W., Jr.	Hanrahan
Armstrong		Hansen, Idaho
Ashbrook	Davis, S.C.	Harrington
Bafalis	de la Garza	Harsha
Baker	Dellums	Hechler, W. Va.
Bauman	Denholm	Heckler, Mass.
Beard	Dennis	Henderson
Bennett	Dent	Hinshaw
Bevill	Derwinski	Holt
Biaggi	Devine	Huber
Brinkley	Dickinson	Hudnut
Brown, Calif.	Drinan	Hunt
Broyhill, N.C.	Edwards, Calif.	Hutchinson
Burke, Fla.	Fisher	Ichord
Burlison, Mo.	Flowers	Johnson, Colo.
Byron	Flynt	Jones, N.C.
Camp	Fountain	Kastenmeier
Chappell	Frey	Kemp
Chisholm	Froehlich	Ketchum
Clancy	Gaydos	King
Clawson, Del	Gilman	Landgrebe
Cleveland	Ginn	Latta
Cochran	Goldwater	Leggett
Lott	Rarick	Sullivan
Lujan	Riegle	Symms
McSpadden	Roberts	Taylor, Mo.
Madden	Robinson, Va.	Taylor, N.C.
Mann	Rogers	Thone
Maraziti	Roncalio, Wyo.	Towell, Nev.
Martin, N.C.	Rose	Treen
Mathis, Ga.	Rosenthal	Veysey
Michel	Rousselot	Waldie
Miller	Roy	Wampler
Mitchell, N.Y.	Roybal	Williams
Mizell	Runnels	Wilson, Charles H., Calif.
Moakley	Ruth	
Montgomery	Satterfield	
Moorhead, Calif.	Scherle	Wilson, Charles, Tex.
	Schroeder	
Myers	Shoup	Winn
Nichols	Shuster	Wolff
Obey	Sikes	Wylie
Parris	Skubitz	Wyman
Powell, Ohio	Snyder	Yatron
Price, Tex.	Spence	Young, Fla.
Quie	Steelman	Young, S.C.
Quillen	Steiger, Ariz.	Zion
Randall	Studds	Zwach

NOT VOTING—27

Anderson, Ill.	Davis, Wis.	Murphy, Ill.
Arends	Green, Oreg.	O'Hara
Bell	Hébert	Patman
Blackburn	Howard	Rooney, N.Y.
Blatnik	Jones, Tenn.	St Germain
Burgener	Kuykendall	Sandman
Burke, Calif.	Mahon	Stanton, James V.
Collier	Mills, Ark.	
Conyers	Mitchell, Md.	
Coughlin	Moss	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.

Mrs. Green of Oregon with Mr. Mahon.

Mr. Blatnik with Mr. Collier.

Mr. Moss with Mr. Blackburn.

Mr. Mitchell of Maryland with Mr. Patman.

Mr. O'Hara with Mr. Burke of Florida.

Mr. Howard with Mr. Conyers.

Mr. Rooney of New York with Mr. Coughlin.

Mr. James V. Stanton with Mr. Anderson of Illinois.

Mr. Jones of Tennessee with Mr. Davis of Wisconsin.

Mr. Mills of Arkansas with Mr. Kuykendall.

Mr. St Germain with Mr. Bell.

Mr. Murphy of Illinois with Mr. Sandman.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that I be permitted to include extraneous matter in my remarks.

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

There was no objection.

CONFERENCE REPORT ON S. 1081, TO GRANT RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER submitted the following conference report and statement on the Senate bill (S. 1081) to authorize the Secretary of the Interior to grant rights-

of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment:

CONFERENCE REPORT (H. REPT. NO. 93–624)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, 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:

TITLE I

SECTION 101. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended to read as follows:

"Grant of Authority

"SEC. 28. (a) Rights-of-way through any Federal lands may be granted by the Secretary of the Interior or appropriate agency head for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom to any applicant possessing the qualifications provided in section 1 of this Act, as amended, in accordance with the provisions of this section.

"Definitions

"(b)(1) For the purposes of this section 'Federal lands' means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf. A right-of-way through a Federal reservation shall not be granted if the Secretary or agency head determines that it would be inconsistent with the purposes of the reservation.

"(2) 'Secretary' means the Secretary of the Interior.

"(3) 'Agency head' means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.

"Inter-Agency Coordination

"(c)(1) Where the surface of all of the Federal lands involved in a proposed right-of-way or permit is under the jurisdiction of one Federal agency, the agency head, rather than the Secretary, is authorized to grant or renew the right-of-way or permit for the purposes set forth in this section.

"(2) Where the surface of the Federal lands involved is administered by the Secretary or by two or more Federal agencies, the Secretary is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved. The Secretary may enter into interagency agreements with all other Federal agencies having jurisdiction over Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of rights-of-way or permit applications, issuing joint regulations, and assuring a decision based upon a comprehensive review of all factors involved in any right-of-way or permit application. Each agency head shall administer and enforce the provisions of this section, appropriate regulations, and the terms and conditions of rights-of-way or permits insofar as they involve Federal lands under the agency head's jurisdiction.

"Width Limitations

"(d) The width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary or agency head finds, and records the reasons for his finding, that in his judgment a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips, and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way.

"Temporary Permits

"(e) A right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary or agency head finds are necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

"Regulatory Authority

"(f) Rights-of-way or permits granted or renewed pursuant to this section shall be subject to regulations promulgated in accord with the provisions of this section and shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination.

"Pipeline Safety

"(g) The Secretary or agency head shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

"Environmental Protection

"(h)(1) Nothing in this section shall be construed to amend, repeal, modify, or change in any way the requirements of section 102(2)(C) or any other provision of the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852).

"(2) The Secretary or agency head, prior to granting a right-of-way or permit pursuant to this section for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way or permit which shall comply with this section. The Secretary or agency head shall issue regulations or impose stipulations which shall include, but shall not be limited to: (A) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land; (B) requirements to insure that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law; (C) requirements designed to control or prevent (i) damage to the environment (including damage to fish and wildlife habitat), (ii) damage to public or private property, and (iii) hazards to public health and safety; and (D) requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be applicable to every right-of-way or permit granted pursuant to this section, and may be made applicable by the Secretary or agency head to existing rights-of-way or permits, or rights-of-way or permits to be renewed pursuant to this section.

"Disclosure

"(i) If the applicant is a partnership, corporation, association, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

"Technical and Financial Capability

"(j) The Secretary or agency head shall grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the project for which the right-of-way or permit is requested in accordance with the requirements of this section.

"Public Hearings

"(k) The Secretary or agency head by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

"Reimbursement of Costs

"(l) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head.

"Bonding

"(m) Where he deems it appropriate the Secretary or agency head may require a holder of a right-of-way or permit to furnish a bond, or other security, satisfactory to the Secretary or agency head to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation of the Secretary or agency head.

"Duration of grant

"(n) Each right-of-way or permit granted or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event more than thirty years. In determining the duration of a right-of-way the Secretary or agency head shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The Secretary or agency head shall renew any right-of-way, in accordance with the provisions of this section, so long as the project is in commercial operation and is operated and maintained in accordance with all of the provisions of this section.

"Suspension or Termination of Right-of-Way

"(o)(1) Abandonment of a right-of-way or noncompliance with any provision of this section may be grounds for suspension or

termination of the right-of-way if (A) after due notice to the holder of the right-of-way, (B) a reasonable opportunity to comply with this section, and (C) an appropriate administrative proceedings pursuant to title 5, United States Code, section 554, the Secretary or agency head determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed upon condition, event, or time.

"(2) If the Secretary or agency head determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding.

"(3) Deliberate failure of the holder to use the right-of-way for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the right-of-way, *Provided*, That where the failure to use the right-of-way is due to circumstances not within the holder's control the Secretary or agency head is not required to commence proceedings to suspend or terminate the right-of-way.

"Joint Use of Rights-of-Way

"(p) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal lands, the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary or agency head the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit area granted pursuant to this section.

"Statutes

"(q) No rights-of-way for the purposes provided for in this section shall be granted or renewed across Federal lands except under and subject to the provisions, limitations, and conditions of this section. Any application for a right-of-way filed under any other law prior to the effective date of this provision may, at the applicant's option, be considered as an application under this section. The Secretary or agency head may require the applicant to submit any additional information he deems necessary to comply with the requirements of this section.

"Common Carriers

"(r)(1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

"(2)(A) The owners or operators of pipelines subject to this section shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(3)(A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

"(4) The Government shall in express terms reserve and shall provide in every lease of oil lands under this Act that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this Act.

"(5) Whenever the Secretary has reason to believe that any owner or operator subject to this section is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Interstate Commerce Commission or Federal Power Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located, to enforce such obligation or to impose any penalty provided therefor, or the Secretary may, by proceeding as provided in this section, suspend or terminate the said grant of right-of-way for noncompliance with the provisions of this section.

"(6) The Secretary or agency head shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) minimum shipment or purchase tenders.

"Right-of-Way Corridors

"(s) In order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, the Secretary shall, in consultation with other Federal and State agencies, review the need for a national system of transportation and utility corridors across Federal lands and submit a report of his findings and recommendations to the Congress and the President by July 1, 1975.

"Existing Rights-of-Way

"(t) The Secretary or agency head may ratify and confirm any right-of-way or permit for an oil or gas pipeline or related facility that was granted under any provision of law before the effective date of this subsection, if it is modified by mutual agreement to comply to the extent practical with the provisions of this section. Any action taken by the Secretary or agency head pursuant to this subsection shall not be considered a major Federal action requiring a detailed statement pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1970 (Public Law 90-190; 42 U.S.C. 4321).

"Limitations on export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

"State Standards

"(v) The Secretary or agency head shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

"Reports

"(w)(1) The Secretary and other appropriate agency heads shall report to the House and Senate Committees on Interior and Insular Affairs annually on the administration of this section and on the safety and environmental requirements imposed pursuant thereto.

"(2) The Secretary or agency head shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

"Liability

"(x)(1) The Secretary or agency head shall promulgate regulations and may impose stipulations specifying the extent to which holders of rights-of-way and permits under this Act shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way or permit. Where the right-of-way or permit involves lands which are under the exclusive jurisdiction of the Federal Government, the Secretary or agency head shall promulgate regulations specifying the extent

to which holders shall be liable to third parties for injuries incurred in connection with the right-of-way or permit.

"(2) The Secretary or agency head may, by regulation or stipulation, impose a standard of strict liability to govern activities taking place on a right-of-way or permit area which the Secretary or agency head determines, in his discretion, to present a foreseeable hazard or risk of danger to the United States.

"(3) Regulations and stipulations pursuant to this subsection shall not impose strict liability for damage or injury resulting from (A) an act of war, or (B) negligence of the United States.

"(4) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

"(5) The regulations and stipulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the right-of-way or permit.

"(6) Any regulation or stipulation promulgated or imposed pursuant to this section shall provide that all owners of any interest in and all affiliates or subsidiaries of any holder of, a right-of-way or permit shall be liable to the United States in the event that a claim for damage or injury cannot be collected from the holder.

"(7) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

"Antitrust Laws

"(y) The grant of a right-of-way or permit pursuant to this section shall grant no immunity from the operation of the Federal antitrust laws."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Trans-Alaska Pipeline Authorization Act".

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies, have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social, and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic uses and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) The purpose of this title is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation, and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Rights-of-way, permits, leases, and other authorizations issued pursuant to this title by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this title had not been enacted and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this title. The direction contained in section 203(b) shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this title.

LIABILITY

SEC. 204. (a)(1) Except when the holder of the pipeline right-of-way granted pursuant to this title can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaskan pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occured.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaska Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of subsection 204(a), but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) If any area within or without the right-of-way or permit area granted under this title is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in coopera-

tion with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c)(1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be, shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organizaton.

ANTITRUST LAWS

SEC. 205. The grant of a right-of-way, permit, lease, or other authorization pursuant to this title shall grant no immunity from the operation of the Federal anti-trust laws.

ROADS AND AIRPORTS

SEC. 206. A right-of-way, permit, lease, or other authorization granted under section 203(b) for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

TITLE III—NEGOTIATIONS WITH CANADA

SEC. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

SEC. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act.

SEC. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant.

TITLE IV—MISCELLANEOUS

VESSEL CONSTRUCTION STANDARDS

SEC. 401. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340), is hereby amended as follows:

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7)(A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade.".

VESSEL TRAFFIC CONTROL

SEC. 402. The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340).

CIVIL RIGHTS

SEC. 403. The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under

this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

CONFIRMATION OF THE DIRECTOR OF THE ENERGY POLICY OFFICE

SEC. 404. The Director of the Energy Policy Office in the Executive Office of the President shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

CONFIRMATION OF THE HEAD OF THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

EXEMPTION OF FIRST SALE OF CRUDE OIL AND NATURAL GAS OF CERTAIN LEASES FROM PRICE RESTRAINTS AND ALLOCATION PROGRAMS

SEC. 406. (a) The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum.

(b) To qualify for the exemption under this section, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(c) The agency designated by the President or by law to implement any such fuels or petroleum allocation program is authorized to conduct inspections to insure compliance with this section and shall promulgate and cause to be published regulations implementing the provisions of this section.

ADVANCE PAYMENTS TO ALASKA NATIVES

SEC. 407. (a) In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act, until such time as the delivery of North Slope crude oil to a pipeline is commenced.

(b) Section 9 of the Alaskan Native Claims Settlement Act is amended by striking the language in subsection (g) thereof and substituting the following language: "The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury pursuant to this subsection.".

FEDERAL TRADE COMMISSION AUTHORITY

SEC. 408. (a) (1) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(2) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct, and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

(b) It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

(c) Section 5(1) of the Federal Trade Commission Act (15 U.S.C. 45(1)) is amended by striking subsection (1) and inserting in lieu thereof:

"(1) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) Whenever in any civil proceeding involving this Act the Commission is authorized or required to appear in a court of the United States, or to be represented therein by the Attorney General of the United States, the Commission may elect to appear in its own name by any of its attorneys designated by it for such purpose, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

(e) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso: "*Provided*, That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

(f) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignating "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission's likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however*, That if a complaint is not filed within such period (not exceeding 20 days) as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect: *Provided further*, That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

(g) Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (1) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) after compliance with the requirements with Section 5(m), itself cause such appropriate proceedings to be brought."

GENERAL ACCOUNTING OFFICE AUTHORITY

SEC. 409. (a) Section 3502 of title 44, United States Code is amended by inserting in the first paragraph defining "Federal agency" after the words "the General Accounting Office" and before the words "nor the governments" the words "independent Federal regulatory agencies,".

(b) Chapter 35 of title 44, United States Code, is amended by adding after section 3511 the following new section:

"§ 3512. Information for independent regulatory agencies

"(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minumum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as

rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

"(1) avoiding duplication of effort by independent regulatory agencies, and

"(2) minimizing the compliance burden on business enterprises and other persons.

"(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in adavnce of adoption or revision of any plans or forms to be used in the collection—

"(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

"(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

"(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

"(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

"(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

SEC. 410. The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.

SEPARABILITY

SEC. 411. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.

And the House agree to the same.

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

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

"To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes".

And the House agree to the same.

JAMES A. HALEY,
HAROLD T. JOHNSON,
MORRIS K. UDALL,
JOHN MELCHER,
SAM STEIGER,
DON YOUNG,
CRAIG HOSMER,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
J. BENNETT JOHNSTON,
FLOYD K. HASKELL,
PAUL J. FANNIN,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT 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. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. MAJOR PROVISIONS

The language agreed upon by the Conference Committee differs from the bill enacted by the Senate and the amendment enacted by the House in the following respects:

1. The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The Conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquification, oil shale, and tar sands. It is the understanding of the Conferees, however, that the House will consider broader right-of-way legislation in connection with other bills that are presently pending.

2. The Senate bill applied to all lands owned by the United States except five specified categories. The House amendment retained the present language of the Mineral Leasing Act of 1920, which applies to "public lands, including forest reserves." The meaning of this phrase is not completely clear, but it clearly does not apply to lands acquired by the United States, as distinguished from the public domain.

The Conferees adopted the Senate approach, but excluded three categories rather than five categories of land. The three categories excluded are the National Park System, the Outer Continental Shelf, and Indian lands. The two categories of land that were not excluded are the National Wildlife Refuge System and the National Wilderness Preservation System, both of which are presently subject to the Mineral Leasing Act. The Conferences provided, however, that rights-of-way through reserved areas may not be granted if they would be inconsistent with the purposes of the reservation.

3. The Conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines while different in some respects, are compatible, and both are intended to spell out in greater statutory detail policies that were formerly left to administrative determination. None of the House guidelines was omitted.

4. Both the Senate bill and the House amendment provided for the immediate grant of a Trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Protection Act and with only a limited right of judicial review. The Conferees merged the provisions of the two Houses without making major substantive changes.

5. Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The Conferees merged the provisions of the two Houses without making substantial changes. The results of the negotiations and investigations are intended to serve as comparative information in the evaluation of the best possible methods for future transportation of North Slope energy resources to United States markets, and the bill is not intended to confer any special status on a trans-Canada route in the selection process for future pipelines.

6. The Senate bill had a number of miscellaneous provisions that were not directly related to oil pipeline rights-of-way. The House amendment had no comparable provisions. The Conferees' action was as follows:

(a) The Senate provision amending the Ports and Waterways Safety Act of 1972 with respect to vessel construction standards, and the provision directing the Coast Guard to exercise its present authority to establish a vessel traffic control system for the Valdez area, were adopted.

(b) The provisions requiring Senate confirmation of the Director of the Energy Policy Office in the Executive Office of the President, and the head of the Mining Enforcement and Safety Administration, were adopted.

(c) The provision exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program, was adopted. A stripper well is defined as a well with an average daily production during the preceding month of not more than ten barrels. In order to qualify for the exemption the lease must be operating at a maximum feasible rate of production and in accord with recognized conservation practices.

(d) The provision amending the Alaska Native Claims Settlement Act and providing for advance payments to Natives was adopted, after reducing the amount of the advance payments from $7,500,000 each six months to $5,000,000, after delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and after deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

(e) The provision amending the Federal Trade Commission Act was adopted, with amendments. It increased the civil penalty for violating a final order of the Commission, gave the Commission broader authority to initiate injunction actions and enforce subpoenas, and gave the Commission authority to represent itself in court if the Attorney General failed to do so after ten days notice.

(f) The provision amending the Federal Reports Act was adopted. It substituted the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

(g) The provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

7. The House amendment contained (a) a provision prohibiting any form of discrimination in connection with any activity on the trans-Alaska pipeline, (b) a provision limiting the employment of foreign nationals for work on the trans-Alaska pipeline, and (c) a "buy-American" provision for the construction, operation, and maintenance of the trans-Alaska pipeline. The Senate bill had no comparable provisions. The Conferees adopted the first provision and dropped the second and third.

8. The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation. The Senate bill had one provision which related to pipelines on rights-of-way granted under the general law, and which applied only to damages incurred by the United States. The Senate had another provision which related to damages incurred by Alaska Natives in connection with the trans-Alaska pipeline. The House amendment had three provisions which related only to the trans-Alaska oil pipeline. One related to damages to anyone that were caused by the activities of the pipeline owner along the route of the pipeline. A second provision related to damages to anyone from discharges of oil from vessels owned or controlled by the pipeline owner in violation of the Federal Water Pollution Control Act. A third provision related to damages sustained by Alaska Natives.

The Conferees adopted modified versions of all of these provisions. One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Joint regulations by the agencies involved, as authorized in section 28(c), are contemplated by the Conferees. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A Trans-Alaska Pipeline Liability Fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the Fund may be asserted and adjudicated under other applicable Federal or State law.

The Fund will accumulate and maintain not less than $100,000,000 derived from the collection of a fee of five cents per barrel at the time the oil is loaded on the vessel, from income from invested funds, and from borrowed money if needed.

Strict liability under subsection (c) will cease when the oil is first brought ashore at a port under the jurisdiction of the United States, and the subsection applies only to vessels engaged in coastwise transportation, including transportation to and beyond deepwater ports.

9. Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The Conferees adopted the House language.

The Senate bill provided for disapproval of proposed exports by joint resolution of the Congress. The House amendment prohibited proposed exports unless affirmatively authorized by a concurrent resolution of the Congress. The Conferees adopted the Senate language after changing "joint resolution" to "concurrent resolution."

The Conferees also adopted an exception intended to take care of oil exchanges and transportation involving Canada and Mexico.

II. COMMENTS REGARDING SPECIFIC PROVISIONS

1. Section 28(e), which authorizes the grant of temporary permits for the use of Federal lands "in the vicinity of the pipeline" is not intended to restrict unnecessarily the placement of temporary construction or maintenance facilities such as construction camps, storage areas, communications sites and soil disposal areas, but to permit them to be placed wherever convenient to construction activities.

The term "temporary" relates to duration and imposes no limitation on the type of facility or activity which may be allowed. Thus, slope cuts and fills, berm construction, access facilities and other permanent changes in terrain are permissible. The Secretary or agency head may require, as a condition of such temporary permits, removal of structures and rehabilitation of the area.

This section will overcome an interpretation of the United States Court of Appeals for the District of Columbia in the case of *Wilderness Society* v. *Morton* (Feb. 9, 1973).

2. Section 28(f) contemplates that general regulations governing the grant of rights-of-way or permits will be issued by the Secretary or agency head. This does not preclude the grant of rights-of-way or permits in advance of the issuance of the regulations and the inclusion of appropriate conditions and stipulations to carry out the purposes of the Act.

3. Section 28(g), relating to pipeline safety, is not intended to require the Secretary or agency head to impose safety requirements that would duplicate requirements of the Secretary of Labor or the Secretary of Transportation under other law.

4. Section 28(h), relating to environmental protection, does not require the plan for construction, operation, and rehabilitation of the right-of-way or permit area to be a final one, since all details and conditions cannot be known at the time of application. However, the plan should be a description in as much detail as the state of the planning for the particular project will permit and must be adequate enough for the Secretary or agency head to make an informed judgment on the application and on the need for imposing any special terms and conditions which the public interest may require. Information called for pursuant to this section which is already on file with respect to applications pending on the date of enactment need not be refiled.

5. Section 28(k) does not require public hearings that would duplicate the public participation procedures required by the National Environmental Policy Act. It also permits a public hearing to cover all aspects of a pipeline proposal, regardless of whether one or more rights-of-way or permits, or whether one or more agencies, are involved.

6. Section 28(l) requires reimbursement of costs incurred in processing an application. These costs include the cost of preparing an environmental impact statement. It also requires payment annually in advance of the fair market rental value of the right-of-way or permit. This value can be based on any combination of factors that might reasonably be considered by a landowner in a free market, when determining the price to be asked for the right to use or cross his land.

7. Section 28(m) authorizes the Secretary or agency head to require a right-of-way or permit holder to furnish a bond or other satisfactory security. The term "security" is not used in a technical sense but may include any undertaking which gives adequate assurance that all obligations of the grantee will be met. Such flexibility is needed because some grantees may not be legally able to post such security, and in other cases a requirement of technical security may be impossible or unnecessary to comply with. Flexibility also permits the Secretary or agency head to require more than one type of security.

8. Section 28(p), relating to joint uses of a right-of-way, gives the Secretary or agency head sufficient control to prevent any hazardous or technologically inoperable placement of various facilities.

9. Section 28(t) permits the Secretary or agency head to ratify and confirm the validity of existing rights-of-way for oil or gas regardless of the statutory authority under which they were granted. It is needed because of the possible application of the decision of the United States Court of Appeals in *The Wilderness Society, et al.* v. *Morton, et al.*

The conferees expect that previously granted rights-of-way should be confirmed only after careful study and the fullest possible compliance with the provisions of Section 28 as amended by this Act.

10. Section 28(v), relating to State standards, is included because rights-of-way frequently cross from State or private land into Federal land and back into State or private land. Different construction, operation, and maintenance standards may apply. This section is intended to assure that the Secretary or agency head will carefully consider State standards and comply with them in the interest of uniform practice throughout the State where such compliance is practical in the judgment of the Secretary or agency head. The section is not intended to require that those standards be followed in every case.

11. Section 203(b) provides new and independent statutory authorization and direction for the issuance, administration and enforcement of all rights-of-way, permits, leases and other authorizations necessary for or related to construction, operation and maintenance of the trans-Alaska pipeline system as generally described in the Final

Environmental Impact Statement of the Department of the Interior dated March 20, 1972. It is a plenary grant of authority to the appropriate Federal agencies. All grants of rights-of-way, leases, permits, and other authorizations for the use of Federal lands shall be made under the authority of this subsection, rather than under other provisions of law.

After years of delay and protracted litigation on this matter, Congress has determined that the national interest requires a clear-cut and unequivocal policy decision on the pipeline. Congress has decided that an oil pipeline is necessary to move North Slope oil to domestic markets in the lower forty-eight States. This title implements that national policy decision.

In adopting this title, Congress intends to exercise its constitutional powers to the fullest extent necessary to achieve the objective of this title and to make this policy binding upon the Executive Branch and on the Federal courts.

Congress has decided, as a matter of national policy, that the appropriate Federal authorizations shall be issued. The Secretary and other Federal officials have no discretion in this matter. Congress does, however, require that applicable standards of substantive law be followed in connection with these authorizations, and vests liberal discretion in the Executive Branch to determine the conditions and stipulations to be incorporated into the necessary authorizations and the specific facilities to be authorized.

This subsection also identifies the "trans-Alaska oil pipeline system" as that system is generally described in the Secretary of the Interior's Final Environmental Impact Statement of March 20, 1972. The subject of that statement was a 48-inch-diameter pipeline system with an ultimate capacity of 2 million barrels a day throughput for which a right-of-way and other permit applications were filed by a number of oil companies which had purchased leases on the North Slope of Alaska. This provision is intended to generally specify the facilities to be authorized and their general location. This provision is not, however, to be narrowly construed. If environmental conditions or new technological developments warrant, new facilities or changes in route or in location of proposed facilities are authorized so long as they are required or appropriate for the construction and operation at full capacity of the trans-Alaska pipeline system as generally described in the impact statement.

The route of the trans-Alaska pipeline will cross lands under the jurisdiction of more than one Federal agency. The Congress intends in Title II that the Secretary of the Interior will issue the right-of-way over all such Federal lands.

12. Section 203(c) provides that, if under any other statute a Federal agency could have issued an authorization relating to the construction of the trans-Alaska pipeline system, the agency shall still issue such authorization, but it shall act under the authority of subsection 203(b) of this Title and not under the authority of the other statute. Authorizations issued under subsection 203 (b) shall contain all those provisions that the supplanted statute would have required, and may include any provisions which were authorized but not required by the supplanted statute.

Authorizations issued by the Secretary of the Interior shall follow the applicable provisions of Section 28 of the Mineral Leasing Act, as it is amended by Title I of this Act, except as provided in subsection 203(c). Not all of the Section 28 provisions will be applicable. The determination of applicability is left to the Secretary's judgment.

13. Section 203(d) provides for construction and completion of the pipeline system without further proceedings under National Environmental Policy Act of 1969. Section 202(d) of the House amendment and section 502(d) of the Senate bill contained a declaration that the actions of the Secretary of Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969. Section 502(d) of the Senate bill also applied to the actions of other Federal agencies and officers, and referred not only to the National Environmental Policy Act of 1969, but also to "all other applicable laws." The Conferees did not adopt this declaration because they considered it as unnecessary and subject to misinterpretation. Inasmuch as section 203(d) of the Conference Report directs that the actions necessary for construction and completion of the trans-Alaska pipeline system shall be taken without further action under the National Environmental Policy Act, a declaration with respect to the effect to be accorded prior actions was not regarded as necessary or material.

Section 203(d) also limits the grounds for judicial review of Federal actions relating to issuance and implementation of all rights-of-way, permits, leases and other authorizations necessary or appropriate for completion of construction of the trans-Alaska pipeline, and its initial operation at full capacity of 2,000,000 barrels throughput per day (i.e., actions under 203(b) and 203(e)).

The permissible grounds for judicial review are limited to constitutional questions and questions of federal actions beyond the scope of authority conferred by Title II. Congress intended such grounds to be construed very narrowly, in keeping with the purpose stated in 203(a). This purpose also underlies the jurisdictional and procedural provisions in Section 203(d), which are designed to assure the most prompt possible resolution of any case involving the trans-Alaska pipeline, and to assure that issuance of the rights-of-way, permits, leases or other authorizations cannot be enjoined except pursuant to a final judgment.

14. Section 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport other oil in the coastal or foreign trade.

It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Under the Limitation of Liability Act of 1851 (46 U.S.C. 183), the owner of a vessel is entitled to limit his liability for property damage caused by the vessel to the value of the vessel and its cargo. The value determination is made *after* the incident causing the damage. It is therefore quite possible for injured parties to go uncompensated if a vessel and its cargo are totally lost.

In the Water Quality Improvement Act of 1970 (33 U.S.C. 1161 et seq.), Congress expanded the liability of a vessel carrying oil to cover Federal government cleanup costs up to the lesser of $100 per ton or $14 million. Under that Act, damages are imposed without regard to the fault of the owner or operator, thereby creating a strict liability to United States Government for cleanup costs. However, State governments and private parties are still obliged to proceed under maritime law, subject to the limits of liability contained in that body of law.

The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of catastrophe which might occur. Consequently, the Conferees established a rule of strict liability for damages from discharges of the oil transported through the trans-Alaska Pipeline up to $100,000,000.

Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed $14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.

Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (for both clean-up costs and damages to public and private parties) up to $14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners lacking the means to self-insure.

Financial responsibility up to this limit would have to be demonstrated before the vessel could be loaded with oil. Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.

All claims over $14 million up to the $100 million ceiling would be asserted against the Trans-Alaska Pipeline Liability Fund established by the bill.

The owners of oil loaded onto tankers at Valdez will pay the Fund five cents per barrel until there is $100 million in the Fund. Payments would resume at any time the Fund fell below $100 million. (The Fund is described in more detail under Major Provisions.) Thus, the owners of the oil would have an incentive to select carefully vessels to carry their oil. Moreover, such owners would then share the risk associated with transporting the oil on water.

The Fund is not precluded from proceeding against the owner or operator of the vessel or other third parties, if either or both were negligent or caused the discharge.

The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act.

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of marine liability will harmonize the liability provisions of the Trans-Alaska Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from

any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceed the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation of gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, over-reaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

16. Section 408(f) relates to the standard of proof to be met by the Federal Trade Commission for the issuance of a temporary restraining order or a preliminary injunction. It is not intended in any way to impose a totally new standard of proof different from that which is now required of the Commission. The intent is to maintain the statutory or "public interest" standard which is now applicable, and *not* to impose the traditional "equity" standard of irreparable damage, probability of success on the merits, and that the balance of equities favors the petitioner. This latter standard derives from common law and is appropriate for litigation between private parties. It is not, however, appropriate for the implementation of a Federal statute by an independent regulatory agency where the standards of the public interest measure the propriety and the need for injunctive relief.

The inclusion of this new language is to define the duty of the courts to exercise independent judgment on the propriety of issuance of a temporary restraining order or a preliminary injunction. This new language is intended to codify the decisional law of *Federal Trade Commission* v. *National Health Aids*, 108 F. Supp. 340, and *Federal Trade Commission* v. *Sterling Drug, Inc.*, 317 F.2d 669, and similar cases which have defined the judicial role to include the exercise of such independent judgment. The conferees did not intend, nor do they consider it appropriate, to burden the Commission with the requirements imposed by the traditional equity standard which the common law applies to private litigants.

17. Section 409(a) exempts "independent Federal regulatory agencies" from the provisions of the Federal Reporting Services Act. In general, the Reporting Services Act provides that Federal agencies may not collect information from ten or more persons without having first obtained the advance approval and clearance of the Office of Management and Budget. The term "Federal agencies" has been construed to include the independent Federal regulatory agencies for the purposes of the Reporting Services Act.

The purpose of Section 409(a) is to preserve the independence of the regulatory agencies to carry out the quasi-judicial functions which have been entrusted to them by the Congress. The intent of this section is not to encourage a proliferation of detailed questionnaires to industry, small business or other persons which could result in unnecessary and unreasonable expense. Any legitimate need for information in carrying out the statutory responsibilities of these agencies would, however, be carried out even though responses may entail some expense and inconvenience.

The purpose of this section is to insure that the existing clearance procedure for questionnaires or requests for data does not become, inadvertently or otherwise, a device for delaying or obstructing the investigations and data collection necessary to carry out the important regulatory functions assigned to the independent agencies by the Congress.

The Congress intends the term "independent Federal regulatory agencies" as used in Section 409(a) to include, but not necessarily be limited to, the following agencies:

Civil Aeronautics Board,
Federal Communications Commission,
Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned),
Federal Trade Commission,
Interstate Commerce Commission,
Securities and Exchange Commission, and
Federal Power Commission.

Subsection 409(b) provides a procedure for advance review which is designed to insure that information required by independent Federal regulatory agencies is obtained with a minimum burden upon business enterprises, especially small businesses, and other persons required to furnish such information.

The Comptroller General of the General Accounting Office is charged with the review responsibility. Since this will be a new function for the General Accounting Office, the Comptroller General has informed the Congress that he will need until July 1, 1974 to enable him to obtain the staff which will be required to carry out the full responsibilities provided for in Section 409(b). This is satisfactory to the Congress so long as appropriate interim arrangements are made to carry out the Section 409(b) review of the Federal agencies which should not or cannot be delayed until July 1, 1974.

JAMES A. HALEY,
HAROLD T. JOHNSON,
MORRIS K. UDALL,
JOHN MELCHER,
SAM STEIGER,
DON YOUNG,
CRAIG HOSMER,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
J. BENNETT JOHNSTON,
FLOYD K. HASKELL,
PAUL J. FANNIN,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

Mr. MELCHER. Mr. Speaker, the pipeline conference report was scheduled for today. Under the rule there would be 1 hour allowed. There is not much request for time. It would take about 30 minutes, and since there are no amendments and only a motion to recommit, I ask the indulgence of the House to go along with it tonight.

Mr. Speaker, I ask unanimous consent for the consideration of the conference report on the Senate bill, S. 1081, the trans-Alaskan oil and gas pipeline.

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

Mr. HOSMER. Mr. Speaker, reserving the right to object, and I will not object, I reserve the right in order to state that the conference report is identical to the way it came here to begin with except for the technical error. It still contains the nongermane matter. If we take it up this afternoon—and I hope and trust that we do—I shall make a motion to have that matter deleted or the conference report, I should say, sent back with the recommendation that it be taken out. However, I do believe that now is the time to hear this. There will be nothing gained by a delay and, therefore, I hope that no objection will be interposed.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. MARTIN of Nebraska. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the conference report on S. 1081 be brought up for tomorrow.

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

Mr. MARTIN of Nebraska. Mr. Speaker, I object. This violates the 3-day rule.

The SPEAKER. Objection is heard.

HEARINGS ON H.R. 6531 AND H.R. 10306, ON BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

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

Mr. FISH. Mr. Speaker, as ranking minority member on the Subcommittee on Crime of the Committee on the Judiciary, I wish to announce that the subcommittee will hold hearings on H.R. 6531 and H.R. 10306, each proposing an amendment to a section of title 18, United States Code, chapter 11, Bribery, Graft, and Conflicts of Interest.

Mr. Speaker, I make this announcement subject to ratification by the subcommittee chairman. He and I have agreed we will hold hearings on these measures but I cannot reach him to clear this matter at this particular time. I do wish to notify the House about it this afternoon.

Hearings will commence at 10 a.m. on Wednesday, November 14, 1973, room 2141, Rayburn House Office Building. Persons and organizations wishing to make their views known to the subcommittee should contact the counsel of the Subcommittee on Crime, House Committee on the Judiciary, room B-351-C, Rayburn House Office Building, Washington, D.C. 20515—telephone number 202—225-5025.

ALBERT T. DEPILLA

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

Mr. PEPPER, Mr. Speaker, "a thing of beauty is a joy forever." One of the men who has brought much beauty and joy to Washington is Albert T. DePilla, manager of the U.S. Botanic Gardens, who on October 10 was awarded a certificate for 50 years of service with the U.S. Government, all in the legislative branch, by the Architect of the Capitol. Mr. DePilla, who has long been an institution as well as a personality on Capitol Hill, was born across the street from where the present conservatory is located. He started work when 16 years of age as a laborer. Fortunately, he came under the influence and tutelage of the late assistant director of the conservatory, Mr. Wilbur Pagel, from whose wise counsel and able instruction Mr. DePilla became expert in botany. One of his first tasks was to assist in the transfer of landscaping of the tropical plant material from the old conservatory to the beautiful new conservatory which we have today. His training and his love of botany raised Mr. DePilla to the position of manager of the conservatory. As manager he supervised all shows there on festival occasions such as Christmas and Easter. He also supervised the annual shows for various flowers such as chrysanthemums and azaleas which attracted thousands of visitors from all over the country. Mr. DePilla was always experimenting with flowers, improving them wherever he could, developing new types and kinds of beauty. His flowers were his children as it were and he loved and cared tenderly for each one, watching it grow into its glory and beauty with special pride like a parent seeing his child come to noble and beautiful maturity. Under Mr. DePilla the conservatory has been a vast and lovely display of plants and flowers to which he has always encouraged children to come so they could appreciate and learn from the charm and beauty they found there. It was his ambition to develop a love of plants and flowers in everybody so they would understand what flowers meant to our life and to the world.

Mr. DePilla has for many years been the one to whom the Joint Committee on the Inauguration of the President would turn for the decoration of the old Supreme Court Chamber in the Capitol where the inauguration luncheons are held. To Mr. DePilla the Congress turned for the decoration and arrangement of all floral displays of such tender beauty provided for presidential funeral services held in the Capitol rotunda for every President from President Harding to President Johnson.

Numerous Members of Congress and their wives have been proud of their friendship with Mr. DePilla. They saw in him not only a great lover of nature but a great man, deeply dedicated to all that was lovely and fine and heartwarming. Mr. DePilla has made our lives on Capitol Hill brighter and better. We are proud of him. We congratulate him upon this distinguished 50 years of service award from the architect of the Capitol and we hope that he will be with us creating more beauty, providing more happiness, making our environment ever lovelier as the days go by.

STATEMENT OF REPRESENTATIVE BARBER B. CONABLE OF NEW YORK CONCERNING DELAY OF TRADE BILL

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

Mr. CONABLE. Mr. Speaker, I wish to disagree with the announced White House decision to ask for indefinite postponement of consideration of the trade bill. I do not know the intricacies of our relationship with the Russians, including projection of that relationship into the unstable Middle East, but I do know that any step this House takes with respect to the controversial title IV of the bill is reversible as circumstances change. Apart from this issue, delay cannot serve the constructive forces behind this bill. I do not want our relations with Russia to appear to be dictating our relations with Europe and Japan, and I am afraid our major allies and trading partners may draw this conclusion from too long a delay of floor action at the administration request. I cannot speak for my Republican colleagues on the Ways and Means Committee with respect to this matter, but I want to express myself at this time as disquieted by the delay.

ST. LUCY'S CENTENNIAL, 1873–1973, SYRACUSE, N.Y.

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

Mr. HANLEY. Mr. Speaker:

"I thank my God for you all everytime I think of you; and everytime I pray for you, I pray with joy, because of the way you have helped me in the work of the Gospel, from the very first day until now. And so I am sure of this: That God, who began this good work in you will carry it on until it is finished in the Day of Christ Jesus." (Phil. 1: 3–6)

A Parish is "people", and the sentiments of the Apostle Paul, expressed above, speak well the profound gratitude I feel after experiencing the goodness of so many Lucians the seven years I've been here. Whenever our people gather—in small groups or in large—our lives become more deeply entwined with each word spoken and each kiss of peace. Be it Eucharistic Worship or coffee together . . . in the street, meeting room, or your homes . . . at the carefree parish picnic or solemn bingo hall . . . through a bag of groceries in need or a camp-fire sing-a-long . . . in school corridor or cafeteria . . . a painful hospital room or tearful wake. . . . He is there, and we are there, striving to become one in Him.

It often strikes me that not one of us can adequately thank God for the gift of life, in ourselves and in others. We all have been enriched so deeply by each person who touches or comes in contact and communication with us. That is because each one of you is a reflection of God's beauty and goodness, each in his or her own way. Then it happens that God's providence brings many particular persons together who have a common cause, a common hope, a common thirst, a common love—which adds a deeper joy to our life—and that unifying center is Christ and His Good News, and that unifying exemplar is St. Lucy, whose Christ-like spirit urges us to be one in Him. Thank you for being a bright light!

People speak of a spirit at St. Lucy's, but no one can define it. Could it be you? And the person next to you? It is the old and the young, men and women, mothers, fathers, a long line of beautiful sisters and priests . . . what a rich heritage is ours! I wish I could thank each for your very generous, very warm heart! It is good to be a member of this Lucian family of God.

The words above are the opening statement of a young pastor made in commemoration of his parish's 100th anniversary this past month. In my view there is a special grace about them, an indefinable spirit that comes through and speaks almost individually to the reader.

The church is St. Lucy's in Syracuse, N.Y.

The pastor is Father Theodore Sizing.

We know that even Father Sizing was amazed at the rekindled spirit of enthusiasm and cooperation which the centennial celebration sparked. Hundreds of people who had graduated from St. Lucy's before he was born, returned to mark

the 100th birthday of the school and church which formed so much a part of their "growing up."

In the fall of 1872 a request by Catholics in the fifth ward that a new parish be formed in Syracuse west of Onondaga Creek was answered affirmatively by Bishop Conroy of Albany. The Rev. John J. Kennedy, a young assistant from St. Mary's in Albany was appointed the first pastor. Father Kennedy was a man initially rejected for the priesthood because of near blindness. He vowed that if he recovered his sight he would dedicate a shrine or parish to St. Lucy. He regained his sight and fulfilled his vow. The cornerstone of St. Lucy's was laid on June 21, 1873. The Syracuse Courier of June 22 noted that it took place "with all the pomp and ceremony usual with the Catholic Church" and that Father Walsh stated that St. Lucy's was to be "a home of knowledge and comfort in time of difficulties."

The first Mass was celebrated in the basement of the church on the Feast of All Saints, November 1, 1873. On Christmas Day, 1874, Mass was celebrated for the first time in the church proper. In 1900 the floor of the church was lowered, an entrance vestibule constructed and the sanctuary and sacristies enlarged. In the words of Bishop Ludden, "St. Lucy's congregation now has the handsomest church in the city." In 1904 the church property was freed of debt. On December 18 of that same year three marble altars were emplaced and consecrated.

The early success of the parish was due in large part to the man who was its first pastor. For 34 years St. Lucy's was blessed with the inspired leadership of Father John Kennedy. Bishop Ludden appointed him the second Vicar-General of the Diocese. The Holy Father elevated him to the dignity of Domestic Prelate. Monsignor Kennedy's life ended quietly on Good Friday, April 13, 1906. By his integrity and intense devotion to duty this beloved priest left St. Lucy's as a pattern for Christians everywhere.

A vacuum prevailed throughout the centennial program resultant from the absence of one of St. Lucy's truly illustrious sons, Father John Harrison, the only brother of His Excellency Bishop Frank Harrison, whom God saw fit to call home to his heavenly reward during October. We missed him very much but gained solace in that he was certainly with us in spirit and further that our lives were indeed enriched by his friendship.

Today St. Lucy's Church on the western edge of downtown Syracuse, where old residential meets new commercial is typical of central urban parishes in the northeastern United States. It is an amalgam of older citizens minorities, the poor and the disadvantaged. It is in a real sense—"richer than ever." It is everything a parish should be, "a home of knowledge and comfort in time of difficulties." This is the way the cochairmen of the centennial committee, Mr. Thomas Murphy and Miss Margaret Harrison expressed it:

We are filled with optimism despite decreasing numbers of parishioners and revenue. Our confidence flows from the faith we have in God and in each other. He will add to our number and supply each need, one day at a time. Changes will continue to come, but whoever expected things to stay the same!

As a proud alumnus of St. Lucy's, may I add simply—Amen.

ABSOLUTE DEVOTION OF COMMUNIST PARTY, U.S.A., TO DICTATES OF KREMLIN IN MOSCOW

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

Mr. ICHORD. Mr. Speaker, if anyone in this House ever had any doubts about the absolute devotion of the Communist Party, U.S.A., to the dictates of the Kremlin in Moscow. I hope they take note of CPUSA leader Gus Hall's latest utterance as general secretary of the party in the United States.

Hall has joined the Soviet Communist Party Central Committee and the KGB secret police in an all-out denunciation of the cries for liberty and freedom issued by those two brave Russian intellectuals—nuclear physicist Andrei Sakharov and Nobel-winning novelist Alexander Solzhenitsyn.

Hall alleges that Sakharov and Solzhenitsyn are "destroyers"—not "dissenters," He is particularly upset with Sakharov whom he characterizes as "a political and ideological swindler" because Sakharov has dared to suggest quite publicly that democracy as practiced in the West is considerably to be preferred over tyranny as practiced in Communist society.

Hall's eight installment diatribe against Soviet intellectuals now rebelling against oppression by their Communist masters was not only printed in the official Communist Party newspapers in the United States but in a leading Moscow propaganda journal as well.

He charged that both Sakharov and Solzhenitsyn are conducting a campaign of criticism of communism in the Soviet Union "behind a curtain of deceit called intellectual freedom and liberty." It is quite obvious that such terms are anathema to Gus Hall who says it is "a mandate of history" that there be a total revolution to remove capitalism from the world scene.

Hall castigates Sakharov for suggesting that Israel deserves sympathy and support because the Soviet Union is arming the Arabs and thus prevents the achievement of a peaceful solution of Middle East problems.

Hall condemns America and our system of government and private enterprise, our beliefs in freedom of the press, religion and public assembly, and our rights to vote and speak as free citizens in this manner—as "a smelly, putrid, dying stream, polluted with exploitation, oppression and racism."

In the fifth of the installments comprising the Hall "manifesto" against Soviet intellectuals and against the United States, Hall attacks Solzhenitsyn for his defense of the West as the last, best hope for freedom on Earth in the face of the Communist menace. Hall says, confidently, that:

The West is doomed to lose because, as a system, it is on the rails of extinction. The laws of social development have condemned it to the ash can of history and the Sakharovs and the Solzhenitsyns of the world are not going to save it.

I do not choose to dignify the rhetoric of the leader of the Communist Party, U.S.A., by asking that his lengthy polemic be published in the CONGRESSIONAL RECORD. However, I do want to alert this House to the fact that everything Hall says is exactly what the Kremlin has said all along and I am certain Moscow is grateful that this massive written assault on the proud but lonely voices of dissent within the totalitarian and utterly oppressive Soviet Union today has been conducted by an American Communist—not a Russian one.

EPA'S QUESTIONABLE RULES

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

Mr. CASEY of Texas. Mr. Speaker, the Environmental Protection Agency has now issued regulations for the State of Texas, and in particular, transportation control measures for seven major control areas in Texas. Their proposed regulations, which they contend the Congress mandated, are indeed interesting to say the least.

I want my colleagues, who have not yet experienced EPA's muscle, to have a glimpse of how we, in Texas, are reacting to these regulations. I enclose an editorial which appeared in the Houston Chronicle on November 4, which points out some of the regulations and their dubious worth. I commend it to my colleagues so they too might be prepared for the future.

EPA's QUESTIONABLE RULES

The Environmental Protection Agency moves ahead with automobile controls for the Houston metropolitan area which are of questionable legality, questionable authority and questionable necessity.

The EPA has now set out the economic sanctions it plans to take against the people to try to force them into car pools and buses as part of its miguided strategy to control air pollution. We have seldom seen a mere Rube Goldberg approach.

By next July 1, the EPA mandates, those firms which have 1000 or more employes in one facility and 700 company parking spaces there exclusively for employes, whether free or not, must start a plan to encourage use of car pools and buses.

"Encourage" is euphemistic language which hides the EPA's intent to penalize people to make them do as it wishes. Exactly what the EPA has in mind is shown by the regulations such a company must enforce if it does not develop an "encouragement" plan satisfactory to the EPA.

Employes driving to work alone must pay a $1 per day fine plus a fee which is the average of what the three nearest commercial parking lots would charge for the day. The fine goes up to $2 per day in 1975 and $2.50 in 1976.

A car pool with two passengers would pay only half this complicated fee-and-fine system. Three passengers or more in the pool an . parking is free. The fine and the fee money can be used by the company to reimburse employes who ride the buses for that fare, up to $200 a year.

The legality of this is highly dubious is our opinion. How can the EPA impose a penalty on one class of people—those who work for employers who have 1000 or more at one facility and 700 company parking spaces—and not on other people? This would not appear to be equal protection under the law.

We also question whether it is the congressionally intended authority of the EPA to be imposing this type of monetary penalties, fines, taxes, surcharges, encouragements—whatever you want to call them—on the populace of the country. Such decisions should be made by elected representatives and we do not think Congress intended to delegate such power to the EPA.

Finally we would like to bring up once again what is the most Alice-in-wonderland aspect of the whole situation—and note some new information on the subject. The subject being that no one knows for sure if all this is necessary or not.

It develops the EPA has been doing some more sampling of Houston's air recently and what it has found won't support its position that there must be auto controls despite lack of scientific proof and the state's contention they're not needed.

A state official says nine samples collected on a rainy, cloudy Sept. 11 revealed that a significant amount of the key pollutants did not come from auto exhausts.

We trust the EPA has a good explanation for things like this ready for those Houstonians it plans to start penalizing for driving their cars.

THE CASE OF ALEKSANDER POLOTZK

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

Mr. HUDNUT. Mr. Speaker, as a cosponsor of the Mills-Vanik amendment, I am pleased to take part in the continuing vigil in support of this vital legislation. The cases of individuals described in the various speeches given by my colleagues bear vivid testimony to the fact that emigration from the Soviet Union is highly restrictive and often exposes the applicant for emigration to hardship, trial, and punishment.

Here is another example: The ordeal of Aleksander Polotzk, a secondary school student from Moscow, began on February 23, 1973, when his school director, N. A. Panteleeva, learned that the Polotzk family were planning to emigrate to Israel.

In the Soviet Union there is a close organizational tie between the secondary school and the Komsomal—Young Communist League. Therefore, prior to a meeting of the Komsomal, Panteleeva informed Aleksander's classmates and their parents of the decision of the Polotzk family to emigrate. Ten days later Aleksander was expelled from the Komsomal.

During the entire month of March, Aleksander's classmates caused him to endure insults and threats both at school and at his parents' apartment. His teachers no longer considered him to be a student and ignored him.

Aleksander's father complained to the appropriate authorities about the school situation. But despite their admonishment, a mathematics period was cancelled and a meeting of the Komsomal was held at which his classmates accused him of treason. When Aleksander tried to explain that emigration was legal under Soviet law, the students threatened to throw him out of the window. The officials who were present did not remonstrate, but gave "silent consent."

Finally, on April 4, Aleksander was beaten up by his classmates in a school lavatory and sustained a fracture of the nasal bones.

In September 1973, OVIR—the passport office—rejected the Polotzk's emigration application.

Mr. Speaker, it is incumbent upon a free people to be concerned about these flagrant violations of a basic human right. Congress must act before it is too late. The Mills-Vanik amendment must be passed during this session of Congress.

THE TERMINATION OF FINANCIAL AID TO MEDICAL STUDENTS

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

Mr. ROGERS. Mr. Speaker, I was somewhat taken aback by the comments made by the Assistant Secretary for Health of Health, Education, and Welfare this week when he said that the administration was considering ending financial aid to students of medicine.

Dr. Charles Edwards apparently feels that Americans now have ready access to physicians and I strongly question this premise. I would back this up with three points.

First, there are more than 130 counties in the United States that are totally without physicians. Second, we have seen the emergency rooms of hospitals sag under the load of citizens who come in not because they necessarily need emergency treatment, but because they cannot find physicians for primary care. The emergency room is replacing the classic family physician. And third, I would like to ask Dr. Edwards why, if there is no shortage of physicians, will more than half of all physicians licensed in this country this year be foreign trained. The answer is because we are not training enough young American physicians to answer the needs of the American public.

And I do not agree with the Secretary of Health, Education, and Welfare's concept that if a young man wants to earn a degree in medicine, he should pay the entire cost, that the taxpayer should not help.

A recent survey has shown that it costs between $16,000 and $26,000 a year to educate a medical student. I do not know how many parents could afford tuition of $16,000 to $26,000 a year, but I venture that figure would be very low.

The Congress has addressed the problem of producing more doctors for this Nation in several pieces of legislation. We have amended this legislation according to the needs and demands of the American public. For we see the health of the American public as a national asset and a national resource.

I think the Congress will consider the legislation which is designed to answer these needs in the coming session and again amend it to the needs of the American public.

However, I think it is unrealistic and shortsighted for Dr. Edwards to propose a total elimination of a program which is designed to insure that the American people have proper medical care.

MANDATORY ALLOCATION OF FUEL DAMAGES AGRICULTURE AND SHRIMP FISHING

(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, the two most important industries in the 15th Congressional District of Texas stand to be severely damaged by the new mandatory allocation program on diesel, kerosene, and other designated middle distillate fuels.

I refer to agriculture and shrimp fishing. Both play a leading role in the economy of south Texas.

Since this new program went into effect on November 1, replacing a voluntary allocation program, I have heard from farmers in my district who find themselves unable to obtain diesel fuel for their tractors and other machinery. Operators of shrimp boats also report that their suppliers have run out of fuel or are likely to do so in the near future.

Generally speaking, the new program, set up by the Energy Policy Office in the White House and administered by the Office of Oil and Gas in the Department of the Interior, provides that users of these fuels are to receive allocations this month based on the amount of fuel they used in November of last year.

This basis of allocation is wholly unrealistic. Farm use in particular peaks at different times in different years, depending on weather conditions. Heavy rainfall in many areas of my own State caused farmers to use much less fuel for their machinery in November of 1972 than they will need this month.

Probably 50 percent of the Texas cotton crop is yet to be harvested. A large part of next year's wheat crop has yet to be planted in the State. Obviously, every day of delay will be reflected in smaller yields.

Mr. Speaker, there is wisdom in the statement of the Honorable BOB POAGE, chairman of the Committee on Agriculture, on which I serve, that the new mandatory program shows hasty consideration and urgently needs revision.

Said Chairman POAGE:

Since there is no system of priorities, the suppliers all along the line can and likely will fill the orders of their old customers. This could even mean fuel going to power a merry-go-round in an amusement park while a tractor stood idle in the middle of a farm 10 miles away because it ran out of diesel.

And I speak also for the operator of a shrimp boat that may have to remain tied up at the dock because of lack of fuel.

I hope a second look, a searching look, will be taken at this mandatory fuel allocation program. As it stands, it will work hardship on agriculture and commercial fishing in my district and will, of course, penalize consumers of their products.

THE YOUNG REPUBLICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SYMMS) is recognized for 60 minutes.

Mr. SYMMS. Mr. Speaker, last summer over 1,100 young men and women met in Atlanta for the biennial convention of the Young Republican National Federation.

These young Americans adopted a platform which called unequivocally for a strong nation and a firm commitment to the rights of the individual. Many of my colleagues are greatly encouraged, as I am, to know that the future leaders of the Republican Party believe that principles make good politics. I am especially pleased to see that the Young Republicans have the courage to stand by the traditional principles of our party, especially in these times when it has become fashionable to flaunt and ignore these sound principles.

These young people are not simply interested in changing one palace guard to replace it with another, or in substituting one set of officeholders for another set. They are interested in cutting down on the number of pigs at the public trough, not just in changing them around. They are interested in actually reducing the size, power, and cost of the Government; they believe that the American people are far more capable of making their own decisions at the local level rather than having decisions made for them by a bunch of bureaucratic socio-economic planners in Washington, D.C.; and, Mr. Speaker, they believe that we must restore the policy of strategic nuclear superiority for the United States while at the same time eliminate wasteful spending by the Pentagon. It is unfortunate that these ideals, which were once a basis of Republican Party policy, have been so ruthlessly abandoned in recent years by some elements of our party.

The recent questionnaire which I sent to my constituents in Idaho revealed that 65 percent of those replying believed that our present two-party system does not offer the voters honestly different alternatives. Many of my colleagues, I know, have had the same experience. This is why, Mr. Speaker, it is so refreshing to many of us to know that the people who will be leading our party in the near future do believe strongly in a genuine two-party system, one which offers the voters a real choice.

In reading this year's Young Republican platform I was particularly pleased to see that most of their positions agree with the views of the majority of my constituents.

For instance, the Young Republicans believe, as I do, that the Federal Government should not spend more money than it receives each year. Ninety-four percent of those responding to my questionnaire agree with this.

The Young Republicans also believe, as I do, that the U.S. Government should not subsidize and extend credits to Communist countries for the purchase of commodities and American technology, 96 percent of my voters responding agree with this.

The Young Republicans believe, as do 84 percent of my voters, that OSHA and other regulatory agencies are strangling American business and should therefore be eliminated.

I think it is clear, Mr. Speaker, that the members of the Young Republican National Federation reflect the ideas of the American mainstream and, most certainly, of the great majority of grassroots Republicans. I would like to congratulate these fine young men and women on their forthright and constructive platform. I am especially proud of their newly elected officers: Dick Smith of Florida, chairman; Phyllis McGrath of Colorado, cochairman; Clyda McLean of Oregon, secretary; Drew Stasio of Texas, treasurer; Mike Carrington of California, auditor; Lynda Durfee of Rhode Island, assistant secretary; and Shad Hanna of Ohio, vice chairman-at-large.

Mr. Speaker, I should like to introduce into the RECORD at this time the first portion of the 1973 platform of the Young Republican National Federation:

1973 YOUNG REPUBLICAN NATIONAL CONVENTION PLATFORM ADOPTED IN CONVENTION JULY 12, 1973, ATLANTA, GA.

PREAMBLE

We, the Young Republicans of the National Federation, reaffirm our commitment to the values upon which our country and our party were founded.

We believe the genius of the American system is its pervasive emphasis on the liberty of the person, and its careful effort to distribute political power so that no single man or group can ride roughshod over the freedoms of the rest.

We believe this genius is expressed most clearly in the inspired and enduring work of the American founders who created our Federal Constitution with its limitation on the reach of central government, its division of powers and its insistence on States Rights insuring that government had sufficient authority to preserve the peace but insufficient power to destroy individual liberty.

We deplore the numerous threats to this system which have arisen over a 40 year period of liberal domination, creating a massive central government and an enormous bureaucracy which seek to regulate every aspect of our lives at home and defaulting repeatedly before the worldwide challenge of militant communism abroad.

We assert that American freedoms must be rescued from this double challenge by a concerted effort to hold back misguided interventions in our economy and re-establish our national defenses on a realistic assessment of the communist danger and a firm commitment to America's legitimate national interests.

We further assert that the just ends of government include the maintenance of civil order against the forces of anarchy and sedition, and believe that this challenge too must be met by responsible action of the American nation.

In all these matters and many others, the ultimate resource of the American people is the priceless legacy of principle inherited from our founders and the countless centuries of Western experience. In embracing this legacy we reject the mistaken counsels of "pragmatism" which set us adrift in the political seas without a compass, and repeat once more our firm conviction that principle makes good politics.

In furtherance of these beliefs, we hereby adopt the following platform:

DEFENSE AND FOREIGN POLICY STATEMENT

The YRNF believes that the United States must remain the leader in international affairs. And we recognize that the gravest threat to world peace is for the United States to abdicate its leadership role because it became second-rate in the nuclear age.

We wholeheartedly support the premise of President Nixon's Blue Ribbon Defense Panel that "the road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness." The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive.

Doctrine of strategic nuclear superiority

We believe that the strongest policy to insure world peace is that the United States must maintain unmistakable strategic superiority.

We support the continued advancement and strengthening of our TRIAD of strategic weapon systems as recommended by President Nixon:

1. United States Bomber Force—We call for the funding to complete and implement the new B–1 bomber as rapidly as possible to replace the aging B–52 force.

2. United States Sub-launch Ballistic Missiles (SLBM)—We call for the continued development and deployment of the undersea long-range missiles (ULMS) and the new Trident submarine.

3. United States land-based International Ballistic Missile Systems (ICBM)—We endorse increasing the MIRV capabilities of these missiles and believe in the necessity to immediately improve their targeting accuracy and targeting flexibility. The U.S. should immediately proceed to increase the yield of our nuclear warheads. Further, we call for the development of land-mobile long-range and intercontinental ballistic missiles.

We urge a total modernization of United States naval forces.

We support a Civil Defense program that will protect to an absolute maximum the citizens of our country and governmental command, thereby releasing our population from the threat of being held hostage in the event of nuclear blackmail.

Increased Research and Development

The United States' vital national interest can only be protected by a priority increase in efforts which must result in the restoration of United States superiority in Research and Development.

1. High-Energy Laser Weapons—We urge maximum usage of laser technology in the development of advanced weapon systems.

2. Military Space Systems—We support the research and development that will provide the U.S. the capability of utilizing our space technology for military application and we specifically support the development of a fractional-orbital bombardment system (FOBS) and defensive Anti-Satellite System.

3. Warning Systems—We support high priority status to the development of advanced warning systems.

4. Submarine Communications—We call for the continuing development and improvement of the communication systems for Polaris and Poseidon submarines.

5. Anti-Submarine Warfare—We acknowledge that ASW is the key to the viability of any Sub-launched ballistic missile force, present or future and call for full cooperation for continued research and development, to the maximum extent possible, in order to counter the overwhelmingly superior Soviet submarine forces.

6. Control Systems—We support development of improved secure control systems for our airborne command post.

Arms Limitation and other Disarmament Negotiations

Under SALT I the ABM Treaty limits our defenses to our Nation's Capital and one

Minuteman missile site which is militarily insignificant. The Interim Agreement on Strategic Offensive Arms gives the USSR an intolerable advantage in offensive nuclear weapons which allows the Soviets to maintain a first strike capability that could be effectively used to blackmail the U.S. should the efforts to create a real détente prove unsuccessful.

Therefore, we find that our national security policy requires the efforts to immediately regain and retain the necessary strategic power to achieve the objectives of a genuine and just peace.

1. There should be no hesitance in achieving maximum allowable technological advancements to improve the quality of our strategic forces, which are not subject to the Agreement.

2. We further assert that under no circumstances should the U.S. accept any conditions in future negotiations that would not guarantee a minimum of comparable levels in offensive weapons and delivery systems.

3. That any and all agreements must be conditioned to on-site inspection.

4. The United States must not rely solely on the so-called "Counter-City Strategy" of balance of terror or the "Mutual Assured Destruction Doctrine." We support the President's statement that "our forces must also be capable of flexible application."

5. The Arms Control and Disarmament Agency must be abolished.

6. We oppose United States government credits or guaranteed loans to Communist-bloc countries for sales of commodities to be used by those countries to supplement their economic deficiencies while employing their own resources for further military expansion.

Volunteer Army

We support the all-Volunteer Army concept that the Republican administration has advanced.

Amnesty

We wholeheartedly support President Nixon's position of no amnesty for deserters and urge that all draft resisters and deserters pay a criminal penalty for fleeting the Vietnam war effort.

Reparations

We unalterably oppose any and all reparations to Communist North Vietnam.

No-win Wars

The policy of the United States should be to never again engage in armed conflicts without the expressed intention and national determination to defeat any enemies. And any such further involvement in armed conflicts shall be subject to the approval by Congress.

Latin America

The YRNF supports a new and positive policy in Inter-American Affairs.

Recognizing that the United States is losing in Latin America while the Soviet Union, Communist China, Communist Cuba and the countries in the Soviet-Bloc are making rapid headway, the YRNF calls for:

1. A concrete policy in inter-American affairs to be put forward by the President to reassure those Latin American countries still siding with the United States and to convince others drifting away, that the U.S. will adopt a policy of genuine firmness and cooperation on the side of friendly nations.

2. Organization of American States—We need an unequivocal declaration aimed at preserving the OAS without non-hemispheric influence.

3. Cuba—We need a clear declaration of United States policy aimed at the reestablishment of human rights and freedom for the people of Communist Cuba.

4. Trade—We support strong concerted efforts to protect U.S.-Latin American trade, which represents more than $10 billion a year from outside competitors arising unfair tactics to dislodge U.S. exporters and importers in Latin America.

5. Panama Canal—The YRNF reasserts that the administration has the highest regard for the sovereignty of the Republic of Panama. We recognize that the Inter-Oceanic Connection across the Isthmus of Panama by the present canal, or any other to be built, is essential to the defense and trade in our hemisphere and more specifically so to the United States and that this should be remembered and protected in any future new treaty negotiations with the Republic of Panama.

Middle East

We wish to encourage a lasting peace in the Middle East. We firmly believe in the territorial integrity of all nations and their right to defend that territory when threatened or attacked.

We feel the sale of American arms should only be limited to a nation's ability to pay for those arms and only to those countries who demonstrate their friendship to the United States.

We also wish to insure the security and identity of the many Arab Nations who have not resorted to a hostile foreign policy, but have been heavily involved in power politics beyond their control.

We condemn all terrorist groups and the Nations that willingly harbor them. We strongly urge economic and political sanctions against any Nation engaging in international piracy.

NATO and the Atlantic Community

We call for strengthening of the North Atlantic Alliance under the principles of the Nixon Doctrine.

1. The YRNF affirms that a strong NATO defense posture, backed up by a continuing U.S. military presence in Europe, remains vital to the defense of Western Europe against the Soviet Doctrine of "Peaceful Co-Existence."

This doctrine gives the Soviet Union and its allies broad latitude for extending Communist control and influence, including the use of armed force and that this doctrine is intended primarily to inhibit the use of force by those opposed to Communist expansion.

Consequently, to the extent that there is any lessening of either the capability or the apparent will of NATO to resist Communist attack, the ability of their influence throughout Western Europe by subversive methods, short of armed force, will be enhanced.

2. With a view toward world peace, we recognize that a mutual and balanced reduction of military forces in Europe is desirable. However, great caution must be exercised in any negotiations between NATO countries and Warsaw Pact nations to insure that countries in the Warsaw Pact, including Hungary, shall not be excluded from any force reductions.

Indo-China War

We applaud the efforts of the Nixon administration in successfully terminating U.S. participation in the Vietnam War. We support the efforts of the President to force compliance with the cease fire agreement and encourage the use of whatever military means necessary to reach this end. Under no circumstances should we further acquiesce to the terms of the agreement. We further demand the immediate and complete accounting of all those missing in action and otherwise unaccounted for.

China

Present and future American policies concerning the People's Republic of China must always keep in mind our treaty obligations to Nationalist China and our guarantee of that nation's territorial integrity and sovereignty.

Rhodesia

We believe that consistent with traditional American Policy of de facto recognition and acting in our national self-interest, we call for immediate diplomatic recognition of the Republic of Rhodesia and an end to any further embargo against Rhodesian goods.

Foreign Aid

As Americans, we believe that private enterprise is the best and most efficient way to achieve economic development. Aid payments given directly by our government to other governments have often resulted in mammoth waste, high ineffciency and the continuation in power of corrupt dictators.

It is time to limit foreign aid to only those countries who have demonstrated an ability and willingness to help themselves and extend and reciprocate to the U.S. goodwill and friendship.

American Business Interests Abroad

We strongly recommend American protection of American business interests abroad, including economic, political and military sanctions whenever necessary.

Individual Human Rights

The YRNF believes in the dignity of the individual. We deplore oppression and persecution which are the inevitable hallmarks of despotic systems. We will continue to work for the right of individual self-determination and encourage the political freedom of subjugated peoples, including the right of all persons to emigrate from any country.

OUR NATION TODAY

Individual freedom

We believe that freedom for all Americans is best insured through a strong system of free enterprise. This country was founded and has prospered on a system which permits maximum freedom of the individual from governmental control. We must constantly be aware that government is to be accountable to the people, and not the reverse. As we strive to serve all of our citizens through government, we must constantly be aware that a free enterprise system is in fact the foundation of freedom.

Responsibility in government

There are some basic statements of principle to which all public servants should adhere.

1. The American electorate is to be respected and trusted—not treated with contempt by political functionaries.

2. The responsibility of maintaining internal security is grave and one which is not easily monitored by the public. The trust granted to those who carry that burden should always be preserved and honored.

3. Those entrusted with the responsibility of enforcement must be always the first to place themselves in compliance with our laws.

4. By assumption of public service, we must be aware of the propensity of power to corrupt, and always maintain our defenses against it.

New federalism

The YRNF strongly supports the concept of "New Federalism" as defined to make more effective local forms of government and to place more power of governing in the hands of the people.

We endorse President Nixon's position that it is necessary to reverse the flow of power and funds to the Federal Government and to return power and funds to the state and local governments where the individual citizen can determine in what areas and for what purpose his tax dolar is spent. This concept is not the absolute solution but only a means to the end of having a less centralized federal government and a stronger local government.

Post card voter registration

Any suggestion of post card voter registration is irresponsible and is opposed by the YRNF. Local election boards should continue to have the responsibility to know those persons registering in their districts.

Environment

While we approve of the concept of the Environmental Protection Agency, we offer caution in suggesting that hysteria of the moment not be permitted to rise over reason in the implementation of its program.

Energy crisis

The YRNF, believing that the nation is in the midst of an energy crisis, supports the following ecologically sound measures to meet our energy needs:

1. research into clean solar and geothermal energy and development of those energy sources;

2. construction of deep water ports—for example, Puget Sound, Washington and Portland, Maine—that can handle supertankers;

3. development of Alaska oil; and

4. research and development of coal liquefication.

Alaskan pipeline

The YRNF strongly supports the immediate construction of a Trans-Alaskan Pipeline.

Educational professionalism

The YRNF believes that educators must be committed to their profession and provide the tools and motivations necessary for the young people of today to discover more objectively their responsible roles as citizens of tomorrow.

In recent years, the attitudes and actions of some teachers in advancing their own selfish goals have eroded the confidence of the public in our system of education. Americans are concerned about the end result of the educational system they are financing at a constantly increasing cost in public funds.

If we are to perserve our free society we must not accept as inevitable the continuing erosion of public confidence in our schools or the alienation of our teachers from the public whose schools are run by the teaching profession. The public must again have reason to respect and to support our system of education. We, as Young Republicans, want our educational system to transmit to the next generation the great ideals and values of our culture.

Vocational education

The YRNF strongly endorses the utilization of vocational training programs as a form of supplemental education after high school.

Educational voucher system

Establishment of a voucher system to aid the parents of students in private schools appears to be the most equitable means of providing freedom of choice in education and is endorsed by YRFN.

Busing

The YRNF is unalterably opposed to the use of forced busing for the purpose of achieving racial balance in public schools.

Health education

In order to provide true quality of life to all citizens, a high priority must be given to the establishment and implementation of comprehensive programs of health education. Our present health curriculums at all levels of public education must be upgraded and given a more significant role in the total system.

This will permit an awareness and understanding of the physical, social, and psychological forces constantly surrounding us, thereby permitting the individual to more effectively fulfill his role in society.

Health insurance

It is our belief that the Federal Government has no role to play in providing health care beyond assurance that comprehensive coverage be made available at a reasonable cost to all Americans through private health insurance.

Welfare reform

The YRNF reaffirms the need of the American public to provide assistance to the truly needy who have nowhere else to turn to meet their basic needs. At the same time, we believe that our present welfare system threatens to bankrupt our nation unless major changes in priorities are made.

We further feel that welfare programs should be funded and administered at no higher than the state level.

Work incentive programs have been established to enable individuals in some states to remove themselves from the welfare roles through private employment. We applaud these recent reforms as paving the way to a workable solution. They have been able to shift emphasis towards determining need and work potential of each of the applicants. Special note should be taken that the major emphasis is work, be it private or on public projects, and not a system of doles.

Mr. ASHBROOK. Mr. Speaker, from 1957 to 1959 I had the honor of serving as chairman of the Young Republican National Federation. For this reason I am especially pleased to be able to commend today the 1973 platform of the future leaders of my party.

While not necessarily agreeing with every point in the YRNF platform, I seriously recommend to all of my colleagues the views of this 500,000-member organization on the foreign policy of our Nation. Of particular interest are the following sections relating to no-win wars, the Indochina war, NATO and the Atlantic community, China, Rhodesia, and foreign aid:

SECTIONS OF 1973 PLATFORM OF THE YOUNG REPUBLICAN NATIONAL FEDERATION

NO-WIN WARS

The policy of the United States should be to never again engage in armed conflicts without the expressed intention and national determination to defeat any enemies. And any such further involvement in armed conflicts shall be subject to the approval by Congress.

INDO-CHINA WAR

We applaud the efforts of the Nixon administration in successfully terminating U.S. participation in the Vietnam War. We support the efforts of the President to force compliance with the cease fire agreement and encourage the use of whatever military means necessary to reach this end. Under no circumstances should we further acquiesce to the terms of the agreement. We further demand the immediate and complete accounting of all those missing in action and otherwise unaccounted for.

NATO AND THE ATLANTIC COMMUNITY

We call for strengthening of the North Atlantic Alliance under the principles of the Nixon Doctrine.

1. The YRNF affirms that a strong NATO defense posture, backed up by a continuing U.S. military presence in Europe, remains vital to the defense of Western Europe against the Soviet Doctrine of "Peaceful Co-Existence."

This doctrine gives the Soviet Union and its allies broad latitude for extending Communist control and influence, including the use of armed force and that this doctrine is intended primarily to inhibit the use of force by those opposed to Communist expansion.

Consequently, to the extent that there is any lessening of either the capability or the apparent will of NATO to resist communist attack, the ability of their influence throughout Western Europe by subversive methods, short of armed force, will be enhanced.

2. With a view toward world peace, we recognize that a mutual and balanced reduction of military forces in Europe is desirable. However, great caution must be exercised in any negotiations between NATO countries and Warsaw Pact nations to insure that countries in the Warsaw Pact, including Hungary, shall not be excluded from any force reductions.

CHINA

Present and future American policies concerning the People's Republic of China must always keep in mind our treaty obligations to Nationalist China and our guarantee of that nation's territorial integrity and sovereignty.

RHODESIA

We believe that consistent with traditional American Policy of de facto recognition and acting in our national self-interest, we call for immediate diplomatic recognition of the Republic of Rhodesia and an end to any further embargo against Rhodesian goods.

FOREIGN AID

As Americans, we believe that private enterprise is the best and most efficient way to achieve economic development. Aid payments given directly by our government to other governments have often resulted in mammoth waste, huge inefficiency and the continuation in power of corrupt dictators.

It is time to limit foreign aid to only those countries who have demonstrated an ability and willingness to help themselves and extend and reciprocate to the U.S. goodwill and friendship.

Mr. Speaker, I include the following conclusion of the platform:

1973 PLATFORM OF THE YOUNG REPUBLICAN NATIONAL FEDERATION

OLDER AMERICANS

The YRNF commits itself to helping older Americans achieve greater self-reliance and greater opportunities for direct participation in the activities of our society.

Social security programs should be made voluntary as a means of guaranteeing individual freedom of choice and destiny. Current social security laws that do not permit citizens receiving benefits to supplement their income by gainful employment or pursuit of a new career should be abolished.

An expanding economy not only makes it feasible for this action, but the present labor supply makes it mandatory for the older American to play a strong role in our lives.

COURT REFORM

The court system of our nation has become overburdened and slow to respond. Therefore, the YRNF supports to reform our court system so as to speed the resolution of cases.

URBAN DEVELOPMENT

The problem of conserving and rebuilding our urban areas can best be met through accepting a plan which permits local determinations of priorities.

We have seen that many programs to resolve these ills have not been doing an adequate job. The control, planning and funding should be placed in the hands of the local community. The ineffectiveness of programs and the wasting of money must be stopped.

VETERANS

We recognize our national obligation to the Vietnam Era Veterans to see that they are eligible for benefits comparable to those received by World War II and Korean War Veterans.

We further maintain that retirement benefits for military personnel be equalized for all such personnel.

MINORITY INTERESTS

The YRNF reaffirms the basic Republican principle of treating members of minority groups as individuals and not simply as voters.

THE AMERICAN ECONOMY

Economic prosperity

We believe in a healthy expansion of our economy without inflation.

We will be able to reduce inflation only if we hold the line on federal spending.

We believe that all government-imposed wage and price controls should be abandoned as "solutions" to the problem of inflation, and that the free market system for regulating wages and prices should be allowed to function. Recent experience has demonstrated that "temporary" wage and price controls, designed to check inflation, turn out to be sporadically permanent and are ineffective in controlling inflation

We believe that the free market system, which has built the United States into the world's strongest economic power, is far superior to any system of government fiat and regulations, which serve only to hamper production, promote inefficiency and restrict freedom.

Budget procedures

If we are to enjoy economic prosperity and an end to inflation, it is imperative that we achieve a "Balanced Budget" with actual receipts equalling actual expenditures.

Delay in Congressional consideration of the budget is a major problem. Each year Congress has failed to enact major portions of it before the next budget was prepared. Congress has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation and frustrates the potential of the budget as an effective management and fiscal tool.

The fragmented nature of congressional action results in a still more serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals. Appropriations are enacted in at least 15 separate bills. In addition, "backdoor financing" in other bills provides permanent appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities.

We believe that the manner in which Congress reviews and modifies the budget should be changed to include the following:

1. adoption of a rigid spending ceiling to create restraint on the total at the beginning of each annual review;

2. avoidance of new "backdoor financing" and review of existing legislation of this type; and

3. prompt enactment of all necessary appropriation bills before the beginning of the fiscal year

The Congress must accept responsibility for the budget totals and must develop a systematic procedure for maintaining fiscal discipline. To do otherwise in the light of the budget outlook is to accept the responsibility for increased taxes, higher interest rates, higher inflation, or all three.

We believe that there should be no increase in the national debt and that such debt should be repaid during the next 100 years. The note of repayment shall be such that one-tenth of such debt shall be repaid during each 10-year interval.

Finally, we emphasize the major issue, beyond deficit financing and the public debt, is simply the level of aggregate governmental spending. The federal government is simply spending too much money. The almost exponential growth in special interest legislation and spending must be brought under control. The abandonment of all deficit financing will make possible better control of federal expenditures, in addition to being the most effective tool for stopping inflation. Therefore, problems associated with deficit financing and run-away federal spending are inter-related.

Business and Labor

We believe in maximizing free competition in our society.

We support the transfer of services now provided by government, wherever possible, into the private sector so that they will be subject to the beneficial effects of competition. In addition, we oppose the issuing of government grants of monopoly privilege which are designed to protect individuals or companies from competition.

We endorse the legitimate role of labor unions in attemping to gain better and safer working conditions for their members, but suggest the elimination of those special legal priviliges which allow unions to gain restrictionist wage rates, higher than the free market rate. Such wage rates lead to unemployment or lower wages in other sectors of the economy, and reduce the general level of prosperity.

We encourage employers to treat their employees as people rather than cogs in a machine, with the recognition that better personnel relations and more flexibility and independence for workers leads to greater productivity, which benefits all segments of the economy.

We recognize the role of small and new businesses in increasing competition and innovation in the economy, and encourage the elimination of arbitrary government standards in safety, product reliability, and accounting procedures, as well as taxation policies, which tend to benefit large established firms at the expense of smaller, younger ones. We further encourage the use of tax credits to compensate firms for expenses incurred in doing bookkeeping for Social Security, withholding taxes and other government programs.

International business

We encourage the abolition of all artificial trade barriers between countries.

Only by allowing unrestricted trade between countries will the world ever be able to achieve the highest efficiency possible in production, thus helping to solve problems of hunger and poverty throughout the globe. Perhaps even more important, economic ties between countries will help strengthen diplomatic ties and ensure peace in the world.

Agriculture

We believe that the federal government should eliminate the following controls or programs:

1. Farm Subsidies
2. Acreage Allotments
3. Land Use Planning
4. All USDA involvement in non-agricultural areas.

The elimination of these programs will result in greater production and allow farm products to seek their true market price. With greater productivity we will guarantee a better supply of food to prevent hunger in the world.

Ownership of gold

We believe that any citizen of the United States should be allowed to own gold.

AMERICA OF THE FUTURE

The YRNF believes that our country's future is threatened by an energy crisis concerning both its *human* and *natural* resources.

Petroleum

The U.S. demand for oil by the year 1980 will range between 20–25 million barrels per day.

We believe that our nation must avoid becoming heavily dependent on oil from politically unstable countries. The Soviet Union could succeed in controlling the flow of Middle Eastern oil to the United States by playing on Arab economic, diplomatic and military dependence on the U.S.S.R. Therefore, we believe it to be in our best national interests to avoid future delays and uncertainties in planning the development of the Alaskan North Slope oil reserves.

We believe that the price of economic growth need not be the deterioration of the quality of our lives and our surroundings. Indeed, in the future, as history has verified, economic growth and an increase in the quality of life must go hand in hand.

Gasoline taxes

We feel that taxes from the sale of gasoline should be used only for the planning, building and maintaining of roads, streets and highways.

It is not only impractical, but improper for the government to be in the business of transporting people in our urban areas, at the expense of the people in other parts of the country. Future transportation needs must be met and can be met most efficiently by following the principles of the Republican Party, the principles of Free Enterprise.

Private industrial commitment

Last year private sector spending for pollution and environmental control jumped by 50 percent.

Thus, we have every reason to believe that private industry *will* handle its own problems in this area. Concurrently, each individual must take the responsibility for looking after his own home and workplace. Your backyard is not the domain of the Federal Government. We must look to the energy of the individual and of private industry to solve "future needs" of America. We must convert the so-called crisis of the environment into an opportunity for unprecedented progress and resurgence of individual responsibility.

Future resources

It is our belief that we should work for the creation of a laissez-faire, free market economy. The following steps should be taken:

1. The fiat money of today should be replaced by an inflation-free dollar backed by gold.

2. Taxes should be reduced through the abolition of the practice of withholding taxes.

3. The personal graduated income tax should be abolished.

4. We must move toward reduction of our National debt. A first step should be the selling of those government-owned businesses that are unconstitutionally run in direct competition with other free enterprise businesses. In itself this would net our government $65 billion dollars and means a 14% decrease in that debt.

Human resources

The human resource—the individual—when allowed to solve his own problems and develop his own potential, is a limitless source of energy. Human energy, the skill, industry, and productivity of the American people, is the driving force of our economy.

When initiative is taken from the individual and replaced by Federal action of a public dole system the individual loses his vital energy and productivity in society.

The original Americans

On future needs in the area of Indian Affairs, it is our belief that we should guarantee those individual freedoms, that because of bureaucratic mismanagement, have been taken from our Original Americans. Towards this end, we support the abolition of the Bureau of Indian Affairs whose policies of "Cradle to Grave" socialism have kept the American Indian a second-class citizen.

Self-protection

We believe that the basic constitutional right of all citizens to keep and bear arms should not be restricted.

Present and proposed state and federal laws which abridge this basic right are unconstitutional and ineffective in keeping firearms out of the hands of criminals or reducing the number of gun-related crimes.

Future Stability

We urge the YRNF to redouble its efforts in recruiting candidates with the courage, ability and love of country of our great leaders of the past.

Women's rights

We strongly reaffirm the constitutional rights that provide for the equality of the sexes.

Drugs

Drug abuse remains as one of the most vicious and corrosive forces attacking the foundations of the American society, especially its youth. It is a major cause of crime and a merciless destroyer of human lives. The Young Republican National Federation encourages and endorses actions to fight this contagion of disease and crime with all of the resources at our command.

We realize that the problem of drug abuse cannot be quickly solved, but the massive efforts that have been launched by the Nixon administration must be continued through:

1. Increasing American support for international efforts to control narcotic traffic;
2. Expanding programs of education. We believe the best hope of saving other young people from drug addiction is through education. An effective health education program dealing with personal growth and development, which includes teaching a respect for drugs, will aid the student in fulfilling his role in society. A strong and secure self-concept is the most practical prevention of drug abuse. One of the primary causes of drug addiction is the search for instant gratification from doubts, fears and uncertainties;
3. Expanding programs of rehabilitation, training and treatment. We believe the casual first time user or possessor of drugs must be kept away from jails and prisons and given the opportunity to participate in treatment programs designed to keep them from becoming addicts. For those persons already addicted to drugs, we support the concept of community based treatment programs;
4. Endorsing legislation to make drugs less accessible;
5. Opposing legalization of marijuana. We intend to solve problems, not create bigger ones by legalizing drugs of unknown physical and psychological impact;
6. Endorsing tougher criminal penalties for the heavy trafficker of heroin and other major drugs. We feel the death penalty is justified for heavy drug pushers; and
7. Endorsing stricter law enforcement as a deterrent to drive pushers of dangerous drugs from the streets, schools and neighborhoods of America.

Government controls

In order to continue the country's economic growth in the future, the government must be removed from the area of general economic controls and the influence of government on technical design, rate regulation, transportation, and communication must be minimized.

Government by the people

Our country's course must be charted so as to pretect our freedom from abridgement by the bureaucratic manipulation of any government entities. Our present situation verifies that when the government grows beyond the control of the people, only government benefits. We pledge our future energies to drastically reducing the size of all phases of government so as to return our country to government by the people. Eternal vigilance is the price of liberty.

Mr. LANDGREBE. Mr. Speaker, in July of this year the Young Republican National Convention adopted a truly amazing platform—it shines like a beacon, cutting through the dismal fog of today's pragmatic, unprincipled politics. It is indeed refreshing to see our national organization of Young Republicans reassert in clear-cut, no-nonsense terms, the principles of individual liberty in politics and free enterprise in economics.

With these principles as a firm base, let us consider the platform position on one crucial issue: Welfare reform.

Although unpublicized by most of the news media, welfare is truly a national scandal. In July 1963, there were some 7,292,000 persons receiving welfare payments totaling approximately $301 million. Projected over a full year, the total in 1963 was approximately $3.6 billion. If medical payments to welfare recipients are included, the figure climbs to about $4.7 billion.

By July 1973, only 10 years later, the number of persons on welfare had more than doubled to a figure of 14,700,000, while total payments more than tripled to a figure of $927 million per month, or about $11.2 billion per year. When medical payments are added, the yearly total is $20 billion.

It is obvious that if such growth continues, it will bankrupt our Nation. But what will stop its growth? As is made explicit by so-called "welfare rights" organizations, the whole welfare program is based on the premise that those who cannot or will not work have a right to the income of those who do. Thus if you earn your own living, you are penalized; if you do not provide for yourself, you are rewarded.

How long can a nation survive when productivity is penalized and indolence rewarded? Is it any wonder why the welfare roles keep multiplying?

The Young Republicans, unlike today's liberal establishment who simply ignore the crisis they have created, take the only position that can break the welfare spiral: They emphasize work incentives, and not a system of doles. This, coupled with their position that welfare should be funded and administered by the States, and not the central government, would go a long way toward cleaning up our welfare mess and would of course return fiscal stability to our Federal Government.

I congratulate the Young Republicans on their strong stand on the principles of individual liberty, and their rejection of pragmatism. I only hope that the "party regulars" both Democrat and Republican take note.

Mrs. HOLT. Mr. Speaker, the Young Republican National Federation represents many thousands of young people who are moving, at various stages in their young lives, into the political arena. Some of them are fresh from the high school and college campuses of this great country, infused with a thirst to put their educations and their ideals to work. Others are already in the business and professional world—young doctors, lawyers, engineers, writers, scientists. The two things they share are the hope and confidence of the young, on the one hand, and a fresh perspective, on the other.

I was delighted recently to see the platform adopted by these young people at their national convention. I would like to share a part of it with my colleagues. Because I would not impose on the time of the Congress to read into the RECORD the entire platform, I would like to select one particular section—the section on health care—as reflective of the idealism and the new perspectives embodied by these many newcomers to political life. The convention urged a new emphasis on improved health education, at all levels, and then adopted this statement:

It is our belief that the federal government has no role to play in providing health care beyond assurance that comprehensive coverage be made available to all Americans at a reasonable cost through private insurance.

What is so interesting—and so enlightening—to me, Mr. Speaker, is that a group of young Americans widely acclaimed as the most politically aware, best educated generation of our history, has looked with compassion and concern at the health needs of the American people and has recognized that it is in the best interests of the people to keep the Federal Government out of the health care business.

These young people have not been burdened with the task of working too close to the forest to see the trees; they do not see problems—and solutions—in terms of the 1930's and 1940's. They look with fresh eyes at the medical needs of the people, and look with objectivity and calm at the many health care programs that have been instituted by this Government and by other governments. They hold no pride of authorship in those programs and are able to evaluate them in real terms of good done, restrictions imposed, moneys spent. Their conclusion—like the conclusion of an increasing number of experts in the health care field—is that the American people have received a high level of care, at reasonable cost, under the private health care system, and the Federal programs have invariably endangered the quality of care and increased costs.

Mr. Speaker, it is refreshing to find so many young people recognizing that the answers to our problems must come from private enterprise; recognizing that the result of our past actions, well-intentioned though they might have been, has too often been the precise opposite of what the Congress had hoped.

We are all aware of the immense cost overruns in the medicare and medicaid programs, and persons knowledgeable in the health care field are aware, also, that regulations imposed by the health bureaucracy have resulted in increased cost at the doctor's office and at the hospital and nursing home. Doctors are aware that the congressional imperative to oversee what it spends has often resulted in strong pressures upon the medical professional to comply with artificial national "norms" rather than treat each patient, individually, in accordance with the doctor's knowledge of that patient and consistent with the best, on-the-scene medical judgment.

Many of my colleagues see these problems, and they recognize, as well as any, the failures of the Federal Government

in providing health care through medicare and medicaid. They are aware of the recent expose in Reader's Digest of the low quality of care in VA hospitals; of the loud and angry complaints by our Indian citizens who receive care through Federal agencies; of the skyrocketing medicaid costs which have driven State governments to the brink of bankruptcy.

Our trouble in the Congress, Mr. Speaker, is that many in this House and in the Senate helped to author the legislation that created these programs. They saw problems and believed the way to solve them was to spend the taxpayers' money on artificial national solutions. Now they feel a commitment to that approach and to those Federal programs. It is difficult to break the habits of a half century.

That, Mr. Speaker, is where we owe our thanks to our young people. These new voices in the Young Republican National Federation speak with a candor and freshness which we cannot have in the Congress. I commend this health care recommendation to all of my colleagues and suggest that it is advice worth following.

Mr. FREY. Mr. Speaker, I would like to join with the gentleman from Idaho (Mr. SYMMS) in praising the Young Republican organizations, both nationwide and throughout the States. As a former State chairman of the Florida Young Republicans, I can truthfully say that the experience gained through it has been most important in my service in the Congress. The Young Republican organization affords not only training grounds for those interested in the political system, but gives them practical experience in the very real world of politics. If this country is going to continue to grow in greatness, the young people must be involved. One of the Senators when asked about the Watergate hearing and politics, in essence told young people to "turn off." I think this is just plain wrong. I think young people should become more involved. The challenge of Watergate is not the challenge of less involvement, but the challenge of more involvement. The Young Republican organization has afforded this opportunity to many young people, including many Republican Members of Congress.

I would certainly be remiss if I did not say a few words about the present national chairman, Dick Smith of Florida. Dick and I have worked together in the Young Republicans since the 1960's. Dick worked his way up through the Young Republican ranks and has always done an outstanding job. There is no question of his ability, his sincerity or his dedication. I am convinced that the national federation of Young Republicans is going to build upon its outstanding record under his leadership and be even more important in the future. Congratulations to the chairman, Dick Smith, and to all members of the Young Republicans. We know you will keep up your good work and that you will redouble your efforts in these trying times. I cannot end these remarks without thanking especially the many, many Young Republicans in Florida who were instrumental in my election and who have been instrumental in keeping me in the Congress. They know of my feelings as I have expressed them many times publicly. Without them, I would never be here. I only hope that we never let them down.

Mr. YOUNG of Florida. Mr. Speaker, as a former State chairman of the Florida Young Republicans, it gives me great pleasure to join my colleagues in congratulating the Young Republican National Federation on their thoughtful and responsible platform, adopted at their convention in Atlanta this summer.

It is a source of special pride to me that the new national chairman of the Federation, Dick Smith, hails from my home State of Florida. This fine young man has long been active in Young Republican activities, and served as national treasurer of the Federation for the past 2 years.

No one who has ever attended a meeting or convention of Young Republicans has failed to be impressed by the awareness and concern of these young men and women over the future of this country. Moreover, this growing organization of over half a million young Americans speaks out for what is best in America. The Federation's 1973 platform opens with an affirmation of their commitment to the values upon which their country and party were founded.

The platform states:

We believe that the genius of the American system is in its pervasive emphasis on the liberty of the person, and its careful effort to distribute political power so that no single man or group can ride roughshod over the freedoms of the rest.

I would like to commend this platform, Mr. Speaker, to all of my colleagues for their thoughtful consideration. I believe that they will then agree with me that our future is in good hands. The members of the Federation of Young Republicans are committed to working for this Nation—in their home communities, in the States, and at the national level.

Mr. BLACKBURN. Mr. Speaker, in July of this year, I had the pleasure of speaking before the Young Republican's National Convention in Atlanta. The Young Republican National Federation adoption a platform at this convention which I would like to commend to the attention of my colleagues.

I believe that these concerned young men and women are to be congratulated for their informed and forthright commentary on America's place in the world.

It seems to me, Mr. Speaker, that while I might not agree with every specific proposal in their national defense platform, the ideas of these fine young people deserve the most serious consideration by all of us.

The Young Republicans have reminded us very cogently, I believe, that—

The gravest threat to world peace is for the United States to abdicate its leadership role because it became second-rate in the nuclear age . . . among the great nations, only the strong survive.

The Young Republicans went on to point out that—

The strongest policy of deterrence against war and for world peace is that the United States must maintain unmistakable strategic superiority.

They believe this can best be done by restoring U.S. supremacy in military research and development.

The Young Republicans are rightly concerned in my view that under SALT I the ABM Treaty limits our defenses to militarily insignificant levels. In addition, the Interim Agreement on Strategic Offensive Arms gives the U.S.S.R. an intolerable advantage in offensive nuclear weapons. The Young Republicans conclude and I agree that—

We find this number-two position as a world military power to be totally unacceptable and our national strategy policy of minimal deterrence should be altered immediately to regain and retain strategic superiority.

There is no more important area of concern for the future of our Nation, Mr. Speaker, than our national defense. I am happy to be able to congratulate the Young Republican National Federation for the serious contribution they have made to our informed discussion of these problems.

GENERAL LEAVE

Mr. SYMMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

LAND USE BILL—AN ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, today, I am introducing legislation that will serve as an alternative to H.R. 10294, the land use bill currently before the House Interior and Insular Affairs Committee.

I am offering this bill in an attempt to bring the provisions and the effects of this legislation back into line with its stated intent. The intent of H.R. 10294 is to encourage and assist the State to plan for the wise and balanced use of its land resources. A reading of what the bill actually says immediately reveals that H.R. 10294 goes much further than encouraging and assisting. Presently, there is a wide disparity between intent and effect; my legislation seeks to close that gap.

The proponents of H.R. 10294 are constantly reassuring us that the States will have almost total control in developing their land use plans and that the Federal Government's role will be limited to overseeing their activities, but once more I submit that a study of the actual wording points out the unlikeliness of a passive Federal role.

H.R. 10294, as it stands now before the Interior and Insular Affairs Committee, contains line after line of requirements, criteria, instructions, and suggestions that the States must consider or comply with before the Secre-

tary of the Interior will decide if a State is eligible to receive a grant.

If the Secretary rules that a State has not followed these Federal requirements in developing its land use policy, not only can he withhold these grants, but he may also impose sanctions on unrelated Federal funds. Under H.R. 10294, these sanctions would be imposed, in amounts up to 21 percent, in three areas of Federal funding: First, airport and airway developments; second, Federal highways; and third, land and water conservation. The injustice of forcing States into compliance with this act by using this type of threat must not and should not be tolerated.

I believe that if we are to have land use planning legislation, that it should do only what it professes to do and no more. We must not allow legislation of this type to become a tool by which the Federal Government intervenes in still another area of essentially State and local responsibility.

Federal legislation in this area of State and local responsibility must be written with a minimum of Federal controls. State and local governments must be free to carry out their constitutional duties and to decide for themselves how their needs can best be met. It is not for us sitting here in Washington to decide what kind of land use controls a State needs, but it is instead up to the people closest to the situation who understand the needs of their people best.

The legislation that I am introducing restores the proper balance between the original intent and the effects of this legislation. I am attaching a section-by-section analysis of my bill at the conclusion of these remarks, but I would like to point out some of the major differences between this bill and H.R. 10294.

Both bills authorize the Secretary of the Interior to make grants to the States to assist them in setting up their land use plans, but instead of requiring States to follow numerous and restrictive requirements in developing their plans—as H.R. 10294 calls for—my bill allows the States to decide for themselves the range and content of their plans. Under my bill, the content of a State's land use plan will not be dictated from Washington, but will be formulated by State and local officials—as it should be.

The sanction provisions which still remain intact in H.R. 12094 are not present in my legislation. The Federal Government should not be given this coercive, economic "stick" to force the States into compliance if they choose not to participate in the program.

I have included language in my bill that will insure that private property rights will remain unchanged. Under my bill, not only must nothing in the act diminish the rights of owners of property as provided for by the Constitution of the United States—as H.R. 10294 states—but neither shall anything in the act diminish the rights of owners of property as provided for by the Constitution and laws of the State in which the property is located. Our citizens are guaranteed better protection of their property rights under State constitutions and laws than under the U.S. Constitution. This language insures that the States will follow their existing laws in implementing this act, and not be tempted, as they would be under H.R. 10294, to use the provisions of the act to circumvent these laws.

H.R. 10294 requires the Secretary of the Interior to tell the States which lands within each State he considers to be areas of critical environmental concern of more than local significance, while my bill allows the States to determine what they consider to be critical areas.

I have eliminated the bureaucratic and useless Interagency Land Use Policy and Planning Board from my legislation in an attempt to make the administering of this act more efficient.

Also, I have reduced the extremely high and wasteful funding levels by 60 percent—from $100 million per year to $40 million—and cut the number of years for funding from 8 to 5.

These are some of the major differences between H.R. 10294 and the bill I am introducing today—for more detail as to what my bill calls for, I am enclosing a section-by-section analysis.

I urge my colleagues to look at this alternative carefully. I believe that it is both a reasonable and balanced approach to solving the controversies and problems involved in land use planning:

SECTION-BY-SECTION ANALYSIS OF THE STEIGER LAND USE BILL

TITLE I—ASSISTANCE TO STATES

Part A—Findings, policy, and provision for grants

Section 101—Findings

Finds an urgent need for land use planning to promote general welfare, secure a wise and balanced allocation of resources, and provide for social, economic, and environmental well-being and long-term needs of Nation.

Section 102—Declaration of Policy

Declares it the policy of the federal government in cooperation with the several states and their subdivisions and other organizations to: 1) assure lands are used in ways contributing to man and nature living in productive harmony and under which requirements of present and future generations can be met, and 2) encourage and support States to establish effective land use planning and decision-making processes.

Section 103—State Land Use Planning Grants

Authorizes the Secretary of Interior to make annual grants to eligible states, defines an eligible State land use planning agency as one having primary authority for development and administration of a land use planning process, describes the form and functions of a state-local intergovernmental advisory council on land use planning.

Part B—Land use planning process

Section 104—State Planning Process

Describes an eligible state land use planning process as one which considers all land and natural resources in the State and which provides for:

An adequate data base.

Technical assistance and training for State and local personnel.

Public involvement and participation by State and local officials in planning process.

Methods for coordinating the land use activities of State and local governments, the activities of areawide agencies.

Methods to coordinate activities of land use interstate agencies, those of local governments, those of Indian tribes, and those pursuant to the Coastal Zone Management Act and those of federal land management agencies.

Resolution of conflicts arising between State land use plans and the plans of Indian tribes by a three member board.

Methods to consider and evaluate factors influencing land use—agriculture, forestry industry, transport, energy, open space, rural development, public services, education, esthetic, ecological, geological factors, recreational needs, unique characteristics of areas having national significance, impacts of the land use program on the local property tax base and state revenues, requirements of the State, region, and nation for adequate energy supplies.

The definition, identification, designation, and regulation of areas of critical state concern, large-scale development, land use of regional benefit, and areas suitable for or which may be impacted by key facilities.

Section 105—Implementation

Encourages states to utilize general purpose local governments in the implementation process and for planning, review, and coordination purposes as to the regional implication of local plans and implementation. This Section also states that nothing in this Title should be deemed to: 1) permit a federal agency to intercede in a State's land use management, 2) enlarge or decrease a State's authority to control the use of Federal land, 3) diminish the rights of property owners as provided by the constitutions and laws of the Federal and state governments.

Section 106—Interstate Cooperation

Encourages states to coordinate their land use plans on an interstate basis through compacts subject to Congressional approval.

Part C—Federal action

Section 107—Determination of Eligibility

Requires the Secretary to consult with other Departments before making a grant under section 103, requires the Secretary to determine a State's eligibility for a grant no later than three months following application, requires the Secretary to be satisfied that the grant will be used to develop and implement a land use planning process, requires periodic reports from the States on work completed and scheduled.

Section 108—Appeal Procedure

Provides for an appeals procedure for States ruled ineligible for grants by the Secretary.

Section 109—Consistency and Coordination of Federal Actions

Requires Federal projects and activities affecting land use including permits and licenses, grant, loan or guarantee programs, such as mortgage and rent subsidy programs and water and sewer construction, but excluding revenue sharing be consistent with the State's land use planning process, except in cases of overriding national interest. Requires applicants for a required Federal permit, or license or assistance for an activity affecting land use to transmit the views of the relevant local government and areawise planning agency a statement as to the consistency of the proposed action with the land use planning process. *Requires* that Federal activities conducted in an area not subject to the land use planning process be conducted so as to minimize adverse impact upon the environmental. *Requires* all Federal land management agencies to consider the State land use programs, and State, local and private needs and to coordinate their land use activities on the Federal lands with the State, local land use activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with existing law.

TITLE II—ASSISTANCE TO INDIANS

Section 201—Indian Land Use Planning Grants

Authorizes the Secretary to make land use planning grants to any Indian tribe to assist in developing a land use planning process for Indian reservation and other tribal land of that tribe.

Outlines what the process must provide for (i.e., identifying areas of critical concern, areas of key facilities, and areas for potential large-scale development, coordinating with states which contain these tribal lands, and resolution of conflicts between state land use plans and the plans of Indian tribes by a three member board.)

Section 202—Eligibility

Secretary must be satisfied that the tribe intends to expend funds for the development of a land use process for the reservation or other tribal lands, before making any grants.

After three years the Secretary must be satisfied that the tribe has developed a planning process and is making good faith efforts to put it into operation before grants are made.

Section 203—Tribal Reporting Requirements

Any tribe receiving a grant must report to the Secretary each year on its activities.

TITLE III—ADMINISTRATION

Section 301—Office of Land Use Policy and Planning Administration

Establishes this office in the Department of the Interior to administer the Act. The Director is to be appointed by the President (with consent of the Senate). Among other duties, the Secretary through this office will administer the grant in aid programs, analyze the land resources of the U.S. and the results from this Act, and consult and consider the views of other Departments in the issuance of guidelines, rules and regulations.

Section 302—Guidelines, Rules, and Regulations

Provides that guidelines will be issued to Federal agencies and the States by the Secretary no later than six months after the effective date of enactment. Before any guidelines, rules or regulations can take effect, they must be submitted to the Congress. They become effective if within 60 days the Congress does not pass a disapproving resolution.

Section 303—Recommendation as to National Policy

Authorizes the Secretary to study the need and substance of national land use policies, and to make his report within three years after enactment. In this study the Secretary must consider the need for policies which:

Insure that all demands upon the land, including economic, social and environmental demands, are fully considered in land use planning;

Consider the long-term interest of the Nation and insure public involvement as a means to ascertain such interests;

Insure the timely siting of facilities and development necessary to meet national or regional requirements;

Encourage the conservation and diversity of the natural environment and the preservation of unique areas of national significance.

Section 304—Biennial Report

Requires the Secretary to report biennially to the President and Congress on matters concerning land use programs and problems.

Section 305—Utilization of Personnel

Authorizes the head of any Federal department or agency to furnish the Secretary with information or appropriate personnel that he requests to carry out his functions.

Section 306—Technical Assistance

Allows the Secretary to provide technical assistance to any state or Indian tribe eligible for grants in the performance of its functions.

Section 307—Hearing and Record

Authorizes the Secretary to hold hearings and to take testimony in carrying out the provisions of this Act.

Section 308—Appropriation Authorization

Authorizes (1) $40,000,000 for each of five fiscal years in grants to the states; (2) $3,000,000 for each of five fiscal years for grants to Indian tribes; and (3) $8,000,000 for each of three fiscal years for administration of the Act.

Section 309—Allotments

Grants to any state during any fiscal year must not exceed 75 percent of the estimated cost of the program. Grants to Indian tribes may be made in amounts of 100 percent of the estimated cost.

Section 310—Financial Records

The recipients of grants must keep and report the information concerning their programs that the Secretary requires.

Section 311—Effect on Existing Laws

This section sets out specific laws which are not to be affected by this Act (i.e., this Act must not supersede, repeal, or conflict with the Coastal Zone Management Act of 1972).

Section 312—Definitions

Defines key terms such as: "areas of critical State concern", "Indian reservation and other tribal lands", "key facilities", "large-scale development", etc.

HEARINGS ON THE VICE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, I understand that the FBI and the Internal Revenue Service have begun investigations in preparation for hearings on the nomination of our distinguished minority leader to be Vice President. These investigations are quite proper and I want to congratulate the nominee for offering his full cooperation in these matters. He has consented to politically and financially disrobe in order for the Senate Rules and Administration Committee, the House Judiciary Committee, the Congress, and in fact, the entire Nation to examine every scar and blemish.

A valid question could be asked as to how many Members of this body would enjoy the thought of having every detail of their personal finances examined in public? I strongly suspect that each of us would like to feel that there are some areas of privacy left even for those of us in public office.

I do not recall any instances in American history when a man chosen for the occupancy of the office of Vice President has been subjected, or has agreed to be subjected to, such public scrutiny. I am confident that GERALD FORD will emerge with high marks from even the most partisan of our colleagues. The question yet remains, however, as to how valid are our demands upon GERALD FORD when we ourselves would consider such demands upon ourselves onerous and unnecessary.

DIFFICULT VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, today the House voted to override the President's veto of House Joint Resolution 542, the war powers legislation. This was one of the most difficult votes I have cast since coming to Congress.

I firmly believe that there is a need for Congress to reassert its constitutional powers to declare war. The Korean and Vietnam wars were waged at great sacrifice of our men and treasure without war ever having been officially declared. This troubles me. I would favor some means to restrict Presidents from waging undeclared wars.

The framers of the Constitution were explicit in their desire that the power to declare war and raise armies be left to the legislature with the President having the power to act as Commander in Chief after war is declared. The "sudden attack" doctrine has been recognized as an exception to this rule. To my mind it is essential that the President have the flexibility to respond instantly to a national or international crisis. To deny the President this power is potentially to paralyze the country. I am not sure whether House Joint Resolution 452 would allow the President this needed flexibility to respond.

House Joint Resolution 542 provides that the President shall "in every possible instance" consult with congressional leadership before and during commitment of U.S. Armed Forces to hostilities or situations where hostilities may be imminent if Congress has not declared war. Specifically, the President must submit a report within 48 hours after he commits U.S. Armed Forces to hostilities outside U.S. territory, its possessions and territories; commits U.S. Armed Forces to territory, airspace, or waters of a foreign nation, except for supply, replacement, repair or training of existing forces; or substantially enlarges U.S. Armed Forces equipped for combat and located abroad.

The report must include a description of the circumstances necessitating the action, the constitutional and legislative provisions giving authority for the action, the estimated scope of activities, their estimated cost, and any other information which the President may consider useful.

The President's report must be submitted to the Speaker of the House and the President pro tempore of the Senate and referred to the House Foreign Affairs Committee and the Senate Foreign Relations Committee. If Congress is not in session, the Speaker and the President pro tempore may request the President to convene Congress to consider the report.

Unless Congress enacts a declaration of war or a specific authorization for the use of U.S. forces within 60 days after the report is submitted, the President must terminate all activities. The President must also terminate hostilities if Congress so directs by concurrent resolution—not subject to Presidential veto.

The recent outbreak of hostilities in the Middle East, and the continuing danger of a confrontation between the United States and the U.S.S.R. because of that conflict, made me wonder whether or not passage of House Joint Resolution 542 over the President's veto would be well advised, or whether it would be potentially dangerous. While I support the general objective of it, I do not think House Joint Resolution 542 is sound legislation. It seeks to reconcile irreconcilable points of view. It seeks to impose

limitations on Presidential authority which may be unconstitutional. At the same time, it attempts to develop a statutory definition of the President's powers which some may feel is too much of "a blank check."

If House Joint Resolution 542 were now on the books, section 2 would delineate the President's "constitutional powers" regarding the commitment of troops. In the light of the present threatening situation in the Middle East, Congress at this moment could well want to have a direct say on any commitment of our forces. That crisis, furthermore, should lead Congress to weigh carefully the consequences of restricting the Commander in Chief's ability to respond.

The resolution provides that the President must immediately withdraw troops from all hostilities if Congress mandates such a course through the use of a concurrent resolution. This is a major flaw in the bill. Concurrent resolutions normally do not have the force of law, and certainly do not have that effect where they do not purport to be simply a withdrawal of authority previously granted by Congress. The proponents of House Joint Resolution 542 want to eliminate the constitutional responsibility of the President to approve legislation. This, to my view, is unconstitutional.

I am troubled by the language of section 5(b), which would enable the Congress, through its own inaction, to limit the President's authority to defend the United States. Under that section, the Congress—through a failure to act—would prohibit the President from continuing an emergency action. Should we legitimize a situation where constitutionally appropriate actions of the President can be thwarted by an unwillingness of the House or the Senate to take a stand? This would make possible a "cop out" of historic dimensions.

Through inaction the Congress could force the President to terminate use of U.S. Armed Forces. Within 60 calendar days the President would have to terminate the use of the Armed Forces in situations covered by the resolution, unless the Congress has: First, declared war or specifically approved the President's action; second, extended the 60-day period; or third, is physically unable to meet because of an armed attack upon the United States. If Congress fails to act, our Armed Forces must be withdrawn. In my opinion, Congress shirks its responsibility on the issue of war and peace unless it takes positive action to approve or disapprove the President's action.

Some have expressed another objection that in attempting to accommodate the Senate's position in conference and define the President's powers as Commander in Chief, the resulting compromise gives statutory sanction to certain unilateral warmaking powers that the President has not previously possessed. They believe that this legislation would actually increase the President's authority to wage war, not restrict it as claimed by proponents of the war powers resolution. While I do not see this proposal in that light, it is an argument worthy of note.

Our colleague from Virginia (Mr. WHITEHURST), who taught history for 18 years before coming to Congress, reminds us that nearly 40 years ago, the United States experienced a time of disillusionment with foreign involvement that has some strong parallels today. The frustrations that followed our participation in World War I lingered into the 1930's, and with the rise of the dictatorships, we searched for the means to avoid another foreign war. It is generally conceded now that America followed a false path then, but follow it we did. Congress passed a series of laws known as the Neutrality Acts, all designed to keep us out of a war that had been fought nearly 20 years before. Far from guaranteeing our neutrality, the Neutrality Acts actually emboldened the aggressors to act more recklessly; the record shows that they pointed to the Neutrality Acts as proof that the United States would stand by while the aggressors had their way.

Today the House faced an issue fraught with the same kind of consequences that flowed from the Neutrality Acts of nearly two generations ago.

Mr. Speaker, I agonized over this vote perhaps more than over any other vote. I finally decided to vote to sustain the President's veto. Since this point of view did not prevail, I hope efforts will be made in the next Congress to correct some of the flaws in the legislation we approved today.

WARMAKING POWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

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

I believe that Congress has defaulted to the Executive in carrying out warmaking powers for too long. The American people and the best interests of our country demand that Congress assume its constitutional responsibilities in questions of war and peace.

The Constitution specifically delegates the President as the "Commander in Chief" of our Armed Forces and allocates the authority to "declare war" to the Congress. This division of warmaking powers between the legislative and executive branches of Government is intended to facilitate a working partnership in dealing with decisions relating to the commitment of our Armed Forces overseas.

Our painful experience in Vietnam serves to remind all Members of Congress that the American public is demanding a direct voice in all future warmaking decisions. As the Representatives of those people who would be called upon to serve in combat during an involvement in another military conflict, we must restore our rightful role as participants in these vital decisions.

The war powers resolution is not designed as an attack or criticism of any President or past Presidential actions but rather as an effort by Congress to insure that it is permitted to exercise its full constitutional responsibilities in warmaking questions.

The desire to reestablish the right of Congress to correct the imbalance of power between Congress and the President in regard to war powers is interpreted by critics of the war powers resolution as an attempt to weaken the Presidency by reducing the flexibility of the President in national security matters.

Our Founding Fathers decreed that while the President would serve as Commander in Chief of our Armed Forces, only the Congress could commit the Nation to war. During recent decades our Presidents have allocated themselves increasing authority in warmaking based on our cult of gaging Presidential strength on the basis of military decisions made without consultation with Congress.

The war powers resolution is designed to reaffirm the traditional role of congressional partnership with the President in decisions which would affect the lives of the millions of people we represent.

We have been negligent in guarding our authority in dealing with questions of war and peace. It is time that we reinstate a viable system of checks and balances between the legislative and executive branches of Government in the area of warmaking powers. I urge my colleagues to vote to override the President's veto of House Resolution 542.

LACK OF BUDGET REFORM IS INFLATING OUR NATIONAL DEBT

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, in the nearly 3 years in which I have served in this body, the Congress has increased the total national debt ceiling no less than five times. Today, this House voted for a sixth increase in only 29 months.

SHARP INCREASES IN NATIONAL DEBT CEILING UNPARALLELED IN RECENT TIMES

When I first voted on legislation to increase the debt ceiling, the total ceiling stood at $377 billion. We were asked today to increase the total ceiling, through June 30, 1974, to $478 billion. If signed into law that will be a 29.4-percent increase in the total debt ceiling within 29 months. If one works backwards from the June 1971 vote—my first on this issue—one is struck by the inescapable fact that it had taken 168 months—back to 1957, the first year of President Eisenhower's second term—for the national debt ceiling to have been increased by the same percentage. In summary, the total national debt ceiling is being now increased at a rate 5.8 times the rate for the period from 1957 to 1971. That figure and its implications for our fiscal integrity and economic stability are resounding.

PREVIOUS SUPPORT OF DEBT CEILING INCREASES RECALLED

Why do Members of Congress who are fiscally responsible sometime vote for extensions in the public debt ceiling?

In my own instance, I have voted for such increases in the past because—

To attack the problem of Government spending at the point where the credit of the United States was apparently at stake;

At the point at which obligations had already been made;

At the point at which parties ostensibly had relied on the word of the Government to meet its obligations; and

In summary, at the point of considering a debt ceiling increase is to attack a result—not a cause—of the fiscal crisis within which our Government finds itself today.

The places at which the Congress, in its exercise of its constitutional role with respect to the purse, should attack the problem of Government spending is, first, at the authorization level, and, second, at the appropriation level. We too often forget that the Government can only indebt itself in the pursuance of programs specifically authorized and funded by the Congress.

It is, for one who desires to hold down the national debt ceiling, a logical action to vote against an increase in that ceiling only when one has consistently voted against the authorizations and appropriations which constitute, collectively, the need for an increase in the ceiling.

There are many Members who, in the exercise of both their own conscious and the electoral mandates of their constituencies, vote consistently against excessive authorizations and appropriations for activities which they believe to fall outside the proper roles of Government. When taken jointly, their votes would have curtailed expenditures in excess of, or at least equal to, the proposed increases in the national debt ceilings. I trust that I am perceived to be in concert with these Members.

I have voted, heretofore, for extensions of the public debt ceilings, because I felt the "nay" votes to be directed at the results, not causes, of our fiscal crisis.

VOTED AGAINST THIS INCREASE TODAY

I believe the time has passed when we can afford that judgment. In full consistency with my votes against excessive authorizations and appropriations, I voted today against an increase in the public debt limit.

I believe there is an obligation paramount to others which must be raised on this issue—an obligation to fiscal responsibility which can best be served by sending a message to all Members of these two bodies, as well as to the administration, that excessive Federal spending must be stopped now. This Congress can no longer afford a ritualistic provision for huge increases in the debt limit; that time has passed.

The question which was before us today—whether or not to increase the public debt limit—raised serious concerns which go beyond the pages of that bill.

These concerns must not be allowed to go unmentioned, for only when the Congress comes to grips with them will we move once again to the economic stability and viability which have been the hallmarks of our free market economy and the free society within which it functions with its inherent ability to resolve adequately any real or perceived maladjustments.

CONGRESS DEEDS MUST MATCH ITS WORDS

In an address to this body as recently as October 31, I stressed the need for Congress to match its deeds with its words:

When one examines the spiraling rate of increase in the public debt ceiling—and when one further examines the volume of expenditures being authorized by the Congress, which collectively constitute the need for continuing debt-ceiling increases—the need is apparent for this assemblage to come to grips—immediately and effectively—with the causes of our concerns.

If there is any single issue on which the actions of the Congress must be brought into line with its words, it is this subject of virtually uncontrolled Government expenditures in practically every field of human endeavor—sapping the vitality of the free enterprise system, interfering with the mechanisms of the free market economy, and jeopardizing the political freedoms which cannot exist without economic freedom.

We cannot stand in the well of this chamber and urge an end to excessive total Federal spending, yet vote for increases—general or selective—in the levels of authorization or appropriation over and above the capabilities of Federal revenues to meet those levels.

We cannot stand in the well of this Chamber and urge an end to excessive inflation, yet vote for increases in Government expenditures which can be met only through additional borrowing or through additional printing of money—either and both of which add to the causes of inflation.

We cannot stand in the well of this Chamber and urge particular demands of various "fiscal constituencies" be met, yet ignore the conclusion that collectively the meeting of those special constituency demands will result in unlimited Federal spending.

We cannot stand in the well of this Chamber and urge the private and independent—volunteer—sectors of the economy meet their fair share of the burden of helping eradicate social and economic ills, yet enact revenue-raising legislation which takes from them their capabilities of bearing the financial burdens of such assumptions of responsibility.

We cannot stand in the well of this Chamber and urge States, municipalities, and counties assume their full share of governmental responsibility, yet take from them available tax bases from which must come the funds for assuming those full shares of responsibility.

We cannot stand in the well of this Chamber and urge remedial action on this urgent problem without first realizing that its ultimate resolution lies not only in the will of the Congress, as the first branch of Government, to assume its proper and full constitutional roles with respect to the purse, but also in the issue being joined head on through a comprehensive, fully interrelated program effort. Piecemeal effort to first attack the problem here, then again there, will not resolve this matter. Only through a unified and unidirected effort will we be able to adequately meet this problem and resolve it. It will require a great degree of personal courage of convictions among the Members of this branch. But we need keep only one thing in mind to inspire us to rise to meet this challenge: If we fail in it, we invite the collapse of our monetary and economic systems and, ultimately, of the ability of Government to discharge its responsibilities.

* * * * *

Government spending—and the raising of revenue requisite to that spending—must have a ceiling beyond which it invites either or both the collapse of the economic strength of the Nation or freedom. Because Government works with numbers which are beyond normal human comprehension—who can adequately contemplate the size of 1 billion of anything—because it sees a broad scope of issues, because it has not yet reached the breaking point, the Congress finds it hard to impose self-restraints on the levels of its own authorizations and appropriations. Yet everyone, even the most casual observers, knows that Government has a voracious appetite for the people's earnings.

The statistics prove the tendencies of Government to siphon off ever greater shares of the people's income for itself, yet that casual observer to whom I have referred knows that all—I repeat, all—income of Government must ultimately come from the people themselves through personal income taxes, through corporate income taxes passed on to the consumers in the form of higher costs, through excise taxes and user charges, et cetera.

Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families. In the end they will wind up defenseless, at the mercy of a vast special-interest-oriented Government bureaucracy they unwittingly helped to create, a bureaucracy which perpetuates itself through the consumption of the people's livelihood.

* * * * *

The Congress has not done its fair share of the job of maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities in a consistent pattern. Why? It could very well be, and I believe that it is, that the Congress does not now have the machinery with which to deal with these problems. Of what do I speak?

Of the four identifiable phases in the budget process, three are presently in need of conscious overhaul—budget execution and control, review and audit, and authorization and appropriation. The Congress has abdicated—and I use that word advisedly—its authority because it has lacked the technical machinery with which to use its constitutional powers of the purse.

The top priority of the Congress, therefore, ought to be to develop the vehicle itself—the vehicle which will allow us to get a handle on the budget, to view it as a totality, to establish a ceiling—which can also be done through a mechanism.

No matter how hard this body must "bite the bullet" in determining that the present level of Federal spending must be the maximum at which we must stop, we simply must arrive at agreement on an absolute standard against which priorities for Federal expenditures can be established by this first branch of Government. As long as we adhere to the ever-flexible, no-ceiling way in which the Congress authorizes and appropriates moneys today, we will continue to feed, at the expense of the people, the insatiable appetite of Government for dollars. Theory? Philosophy of Government? Speculation? No. Fact. Federal internal revenue collections have risen in 32 years from $5.34 billion in 1940 to $209.8 billion in 1972—a staggering 3,858-percent increase.

The mechanism which has made the most sense to me, and to the eminent economists with whom I consult on these important matters, is the revenue control and tax reduction program first proposed on a State level by Governor Reagan in California. That program's aim is to control the size of Government spending and the tax rates necessary to raise revenues by placing a progressively lower ceiling on tax collections over a fixed period. The program would impose a constitutional limitation on the percentage of total personal income which the State will be permitted to take from the people in the years ahead, gradually reducing the percent-

age which taxation bears to income by 0.1 percent per annum over the next 15 years. As an illustration of the importance of adopting such an absolute standard, if present trends continued in California during the next 15 years, the rate would rise from its present 8.75 to 12.27 percent—nearly a 33-percent jump. Yet the plan still more than adequately provides for the State's revenue needs, for even while the tax rate is being reduced, gross revenues in the State will climb nearly three times. The plan also provides for emergencies upon a declaration by the State legislature by a two-thirds vote. In summary, the plan is a method not only to control taxes but to control the amount of money the State can spend as well.

This concept represents an idea whose time has come. It can be, with appropriate amendments to conform it to the Federal process, made applicable to the Federal Government. In close association with noted economists and tax experts I am now working on the preparation of both an amendment to the Constitution and an enabling statute which would carry a closely similar plan into operation on a Federal level. Such a measure will have many advantages.

First, it will mean the recognition, at last, that there is a limit on the level of income which Government can take from the people.

Second, it will mean a recognition by this body that it must assert positive and conscious fiscal leadership for the Nation.

Third, it will enable the Congress to determine how much money can be expended by the Federal Government within a fiscal year, thereby establishing according to meaningful criteria, the priorities among the myriad of spending proposals.

Fourth, it will enable the Congress to exercise more fully its power over the purse.

Fifth, it will enable Congress to exercise that power of the purse in a manner which will require the executive to come openly to the Congress for the funds for any emergency, particularly in the area of foreign or military policy.

Mr. Speaker, I believe firmly that if this body is ever to come squarely to grips with the issues of spending, deficits, and inflation encouraged thereby that it will be only through the use of mechanisms which deal with the process of authorization, appropriation, and priority setting. Parkinson's law—that, spending rises to meet income—and the more recently formulated corollary—that spending rises to slightly exceed income, in expectation of increased income—shows clearly that we will never adequately tackle this problem by simply attacking the level of spending. We will tackle it only through the development of congressional mechanisms for establishing priorities and spending levels among them and through the establishment and adhesion to a revenue and spending standard which cannot exceed a fixed percentage of the total national income.

REMARKS OF PRESIDENT SANGOULE LAMIZANA

The SPEAKER pro tempore. Under a previous order of the Hounse, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker I would like to insert for the thoughtful attention of my colleagues the remarks of President Sangoule Lamizana of Upper Volta during the reception on his behalf by Chairman Morgan of the House Committee on Foreign Affairs on October 16, 1973. President Lamizana, who was here on a drought relief mission on behalf of the Sahelian states of West Africa afflicted by the drought, was accompanied by his Foreign Minister and Ambassador, the Ministers of the other five States of Mali, Mauritania, Niger, Chad, and Senegal and by the Ambassadors of these five States.

He concluded his remarks by saying:

Greatness entails obligations. You represent a great people. Because of the feelings that motivate you, you can help to arouse American public opinions to assist us in winning the difficult battle we are waging against hunger, thirst, and poverty in order to give the people of the Sahel renewed reason to live and to hope.

The text is as follows:

REMARKS OF PRESIDENT SANGOULE LAMIZANA

First of all, I should like to thank you, through you, the American people whom you are privileged to represent and who have generously expressed their solidarity with the peoples of the Sahel, sorely tried by a drought lasting for several years.

I should also like to emphasize how much we appreciate this meeting, which is a further expression of your great interest in our problems.

We would like to see in that interest evidence that we have excellent advocates with the American people. An advocate obviously needs to be perfectly familiar with his client's case in order to be prepared to defend him with a maximum chance of success. That is why it seems appropriate for me to describe briefly to you the current situation in the Sahelian countries and the steps that should be taken to ensure the survival of our people.

It was during the 1972–73 crop year that the drought which had prevailed for five years assumed dramatic proportions. Throughout the Sahelian region the rains began late, were irregular and badly distributed, and ended too soon. The efforts of five months of hard work were reduced to nought. The grain heads were formed, but were empty. There was no hope of harvest. The farmer could then foresee the suffering that would come to his household, his wife, his children, his neighbors, the entire village.

The over-all shortage throughout the region was estimated at 850,000 tons of grain. Reserves had been greatly reduced by the shortages of the preceding years.

In order to attend to the most pressing needs, the local governments mobilized the feeble means at their disposal and appealed for national solidarity. The response has been affirmative but incapable of meeting the needs that must be met.

As early as September 4, 1972, President Senghor called the attention of the world to the difficulties and shortages threatening the Sahelian peoples. At the beginning of October 1972 requests were submitted by our governments to friendly countries and organizations for the foodstuffs necessary to meet the food needs of our people. Again, the response was affirmative but somewhat tardy. The tragedy of the Sahel was beginning. Imagine the torment of a father who begins the day wondering what he can give his children to eat; imagine entire herds of cattle dying for lack of water and pasture; imagine population movements—resembling the Exodus in the Bible—in pursuit of a meager portion of food scarcely capable of supporting life; imagine all that and you will have a barely accurate idea of the tragedy of the Sahel.

At the beginning of last month, we still had hope of a sufficient harvest for this farm year. Unfortunately, the rains needed to support that optimism did not fall and it is now certain that the situation will be worse in some countries of the Sahel.

It is therefore advisable to begin now to take the necessary steps to provide our people with the required foodstuffs as soon as the needs arise. We must stress the need to deliver aid promptly so that the distribution centers may be appropriately stocked before the roads become impassable. Indeed, we must not forget the unhappy experience of last year when we expended large sums to cover the high costs of air transport.

However, although we attach great importance to emergency assistance operations, we must not forget that the primary concern should be the struggle against the drought itself. Indeed, we must take all necessary steps to protect our people from similar disasters.

Our experts, our cabinet ministers, and then the Chiefs of State of the six countries met at Ouagadougou last month to consider the entire range of measures to be taken. At the conclusion of their work, they unanimously adopted an action program divided into three parts:

Emergency measures to meet the food needs of men and animals by establishing emergency reserves for the years ahead;

National programs; and

Action falling under the heading of regional cooperation.

The comprehensive effect of those programs emphasizes regional cooperation designed to meet, in order of priority:

The needs of men, animals, and plants for water to increase agricultural and animal production;

The need to rebuild the herds decimated by the drought;

The urgent need to rebulid and protect soil through reforestation;

The repair and improvement of our roads;

Research for development of a subregional seed plan to solve the Sahel's agricultural and animal husbandry problems and to provide better knowledge of the drought phenomenon in order to combat it more effectively.

We have not of course forgotten the campaigns against human endemic diseases and for health protection of cattle.

That program may seem ambitious but it is the absolute minimum in order to begin rehabilitation of the Sahel. It will require a total investment of about a billion dollars for our six countries over a period of five to ten years.

Alone, we can never realize from our own resources the financial means necessary for execution of that program. That is why, in view of the scope and seriousness of the problems created by the drought, the Chiefs of State of the Sahelian zone have entrusted to me the mission of coming to put before the United Nations General Assembly and the American people the poignant drama taking place in that region of Africa so that the international community may be mobilized to save the Sudano-Sahelian peoples.

The American people have made sacrifices a thousand times greater in other situations. We hope that their contribution will be in proportion to their greatness. History drew us together under sad circumstances, and then estranged us. It now brings us together once again in a world which is becoming increasingly smaller. It is, perhaps, first of all, a question of saving our people from famine, but it is above all a question of helping them to rebuild their producing capital so that they may in future be worthy social, cultural, and economic partners of the American people.

History decreed that Africa, and especially Sahelian Africa, should provide its men and its blood to build the developed countries.

Is it not fair that those countries should lend their support today to rebuild Sahelian Africa?

There has been an unquestionable expression of interest here in the problems of the Sahel, and I should like to take this opportunity to thank all the private organizations that have been created to mobilize funds and good will for the purpose of helping our people.

This meeting is further evidence of your understanding and of the concern of the people whom you represent.

You know our problems and our needs. From the bottom of our hearts we hope that you will consent to remain our most ardent supporters among your colleagues in the Senate and House of Representatives. It is a work of human brotherhood which every man worthy of the name should endorse and support.

Greatness entails obligations. You represent a great people. Because of the feelings that motivate you, you can help to arouse American public opinion to assist us in winning the difficult battle we are waging against hunger, thirst, and poverty in order to give the people of the Sahel renewed reason to live and to hope.

APPOINTMENT OF SPECIAL WATERGATE PROSECUTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, today I am reintroducing, with the cosponsorship of Mr. WHITE, Mr. HANNA, and Mr. STEELE, the joint resolution for judicial appointment of a special Watergate prosecutor. I would like to note that Mr. WHITE and Mr. HANNA should have been listed as cosponsors last week, but their names were inadvertently omitted from the copy of the bill given to the Clerk of the House.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I am pleased to report that a number of members of the Committee on the Judiciary join me today in the introduction of a clean bill, the "Public Safety Officers' Benefits Act of 1973." This important bill, providing a $50,000 gratuity to the survivors of law enforcement officers and firemen, represents the culmination of extensive hearings and exhaustive mark-up sessions by the members of the Immigration, Citizenship, and International Law Subcommittee, of which my colleague, the Honorable JOSHUA EILBERG serves as chairman. This bill has already been favorably reported by the subcommittee and will be considered by the full committee in the very near future.

Members of the House will recall that on October 11, 1972, this body unanimously approved legislation to compensate survivors of law enforcement officers who die in the performance of certain hazardous duties as well as firemen killed while protecting life and property from fire. Last year the Senate also acted favorably upon this legislation. The difference between the House and Senate-passed versions were resolved and a conference report was filed on October 17, 1972. However, because of the adjournment of the 92d Congress, I regret action could not be taken on this critical legislation.

In the 93d Congress, numerous public safety officers bills have been introduced by the Members, including one introduced at the request of the administration. The Senate has again passed a death benefit bill substantially in the form agreed upon by the conference committee in the 92d Congress.

The bill I am introducing today is similar to the conference version and is the product of additional hearings at which time the members of the subcommittee received additional new data on this subject. Through the diligent efforts of subcommittee Chairman EILBERG, the Members have reported an improved bill.

This bill is designed to meet the immediate financial needs of the dependents of public safety officers who die while in the performance of specified duties or while engaged in other hazardous duties which are determined by LEAA to be potentially dangerous. The intent of this scope of coverage was to compensate those law enforcement officers who attempt to protect the public, but often die because of the numerous risks associated with the public safety profession. It was felt that the major risk of death confronting law enforcement officers often results from their exposure to criminals. Consequently, this legislation expressly covers law enforcement officers when they are engaged in: apprehending a suspect or a material witness; protecting or guarding a person held in connection with a crime, or preventing crime. It also covers volunteer and professional firefighters who die while actually and directly engaged in fighting fires.

The bill contains a specific definition of the term "law enforcement officers"; so that activities of corrections, probations, and parole authorities and programs relating to the prevention, control or reduction of juvenile delinquency or narcotic addiction are expressly covered as well as police efforts to prevent, control or reduce crime. I am especially pleased to report that this bill specifically includes within its coverage volunteer firemen and other eligible public safety officers serving a public agency in an official capacity without compensation; thereby including reserve and volunteer law enforcement officers.

This bill differs from the bill passed by the House in the 92d Congress in providing that interim emergency benefit payments not exceeding $3,000 may be paid upon a showing of need prior to the final determination when it is found that a public safety officer's death is one with respect to which a benefit will probably be paid. It was believed that an interim payment provision was important because many times the families of slain law enforcement officers are in immediate need of finances to help them through this difficult and trying time.

Finally, this bill provides coverage for deaths resulting from injuries sustained on or after October 11, 1972, rather than becoming effective upon date of passage. Since the House overwhelmingly approved gratuity benefits for survivors of public safety officers last year on October 11, 1972, after the Senate had already passed similar legislation, it appears only fair and equitable to provide benefits for the survivors of these unfortunate officers killed subsequent to the time the legislative intent was indeed made clear.

Mr. Speaker, the public support for this legislation has been made evident to all Members. The bill is premised on the conclusion that law enforcement and firefighting are inherently dangerous activities and that it is in the national interest to upgrade and improve employment opportunities in the public safety field. Passage of this legislation will substantially improve the morale of public safety officers, enhance recruitment efforts and provide a guarantee of some measure of security to the dependent survivors of those who give their lives in safeguarding our society. I am confident this worthwhile and urgently needed legislation will be speedily enacted into law.

The following members of the Judiciary Committee have joined me today in introducing this vital measure: Messrs. DONOHUE, KASTENMEIER, EILBERG, FLOWERS, SEIBERLING, DANIELSON, DRINAN, RANGEL, THORNTON, OWENS, MCCLORY, SMITH, RAILSBACK, FISH, MAYNE, HOGAN, COHEN, LOTT, FROEHLICH, MOORHEAD, and MARAZITI.

ROY SCHMIDT: A YOUNG AMERICAN LOST TO US ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, this Saturday it will be my sad duty to attend memorial services for a young man who grew up in Carle Place, Long Island, part of my congressional district. Marine Capt. Walter Roy Schmidt, Jr., originally listed as a prisoner held by the North Vietnamese, died in a remote village in Indochina.

Roy Schmidt was the pilot of an A–4E aircraft, shot down on June 9, 1968, over North Vietnam and shortly thereafter he was listed by the United States as a prisoner of war. For 4½ years, his family lived with hope, awaiting his return. But, when our POWs were released last January, the United States was informed that Roy was not to be included, and the North Vietnamese held no record of his capture or imprisonment. Subsequently, the Navy Department listed Roy as missing in action. Now, after hopeless months of waiting for any indication he is alive, Roy's family has been notified he has been officially declared dead.

I never knew Roy, not as a youngster in Carle Place, nor as a young man who left for Vietnam. I have, however, come to know his family well, and through them, to gather some impressions of this young man. It is sad to know he is gone, for his loss is more than the personal one which Lila and Wally Schmidt and their daughter Helen must bear. Roy's death denies this country the value of a human who would have made his unique

contribution to the greatness that is the United States. His tragedy is ours.

Roy was one of those young men who enlisted in the Marines, knowing full well he risked duty in Vietnam, but caring only that this Nation had a stake there he felt it was necessary to defend. In less than 3 months he flew over 100 missions. Concerned about the deaths of his friends, awed by the skill of his superior officers, and aware of the folly of war, at the same time he felt certain it was right to join American forces and fight for the United States in that unhappy corner of the world.

And so, for more than 5½ years, the Schmidts have suffered with the burden of uncertainty about Roy's fate. When they finally believed there was no hope left, they requested the Navy to declare him legally dead, allowing release from the limbo in which they lived and letting Roy rest in the peace he so richly deserves.

We cannot lift the burden of grief from the hearts and minds of the Schmidts, but we can offer our prayers for them and their son, Roy, a young man of promise with great faith in this Nation and its future.

At the conclusion of my remarks, I want to include in the RECORD a news story written by Chapin Day of Newsday at the time the Schmidts were informed that the determination of death had been made. Chapin has developed a good and close friendship with the Schmidts during their ordeal and has written his story with the compassion and understanding evoked by this fine family.

Because in his short life Roy was fortunate enough to work at something he truly loved—flying—we may take some small comfort that his life was not wasted. My sympathies and heartfelt wishes go to the Schmidts as they go through this difficult time. They were blessed with a fine son who brought them and this Nation honor, a young American now lost to us all.

AGONIZING WAIT ENDS FOR FAMILY

(By Chapin A. Day)

CARLE PLACE.—The Marine Corps captain in dress blues came to the Schmidt family's door at 9 yesterday morning. He was expected.

He brought the family members a message that for more than five years they had devoutly believed they would never have to receive—but a message that, in the end, they had requested. The secretary of the Navy, the captain said, had declared Capt. Walter Roy Schmidt Jr. killed in action. Schmidt, listed as a prisoner of war since 1968, had become the 533rd Long Islander to die in the Vietnam war. Eight others from Long Island still are missing.

For the dead man's parents, Walter and Lila, and his 20-year-old sister, Helen, the message evoked both a sense of loss and a sense of relief. It represented official confirmation of something they had reluctantly come to accept since last January when they learned that Schmidt, a Marine Corps pilot, was not among the POWs released in Southeast Asia. The message also meant an end to years of dealing with Pentagon bureaucracy that has left them embittered. "This ends the fighting," Helen said.

Yesterday, in the living room of their home at 40 Tenth Ave., the Schmidts reminisced about some of the happy times with "Roy." A large oil color portrait of him smiled down over the fireplace. But there were serious moments as well. "Had he been fighting for a different cause," Mrs. Schmidt said, "we would have felt more justification for his loss."

Because of a court injunction obtained by some families of men still missing in Southeast Asia, the Defense Department has been barred from changing the status of missing men unless a family requests a change. The Schmidts had made such a request June 22 after the Pentagon had been unable to provide them with any further information about Roy's fate. A reporter asked Mrs. Schmidt if she now regrets making that request. "No, I think Roy would want us to do this and I don't regret it," she answered.

The Navy secretary's decision lists Schmidt's death as occurring on June 9, 1968, the day his plane was shot down while on a bombing mission in the A Shau Valley, South Vietnam. He was 23. Born in Queens, Schmidt had moved to Carle Place with his family in 1947. He graduated from Carle Place High School in 1963 and attended Nassau Community College for a year and a half before enlisting in the Marines. A memorial service will be held at 11 a.m. Nov. 10 at the Cathedral of the Incarnation, Garden City.

The service will bring at least a symbolic end to five and a half years that Mrs. Schmidt said yesterday have been "a totally agonizing experience. But if you're looking for some consolation," she added, "he was doing what he wanted to do and some people live their whole lives without doing what they want to do. He loved to fly."

MR. JOE BEIRNE DISCUSSES LABOR'S ROLE IN POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, the urgency of campaign spending and fund-raising reform remains pressing although it, like other important issues facing the Nation today, have tended unfortunately to be submerged from public view by Watergate and its attendant scandals.

Recently, in an article which appeared in the Washington Post on October 15, the president of the Communications Workers of America spoke out very forcefully on the demonstrated need of this reform.

The Communications Workers of America, as many know, is one of the most active organizations within the American labor movement, in grassroots politics. Its members are well known for their contributions of time, energy, and talents to a variety of local level programs all designed to foster better government by bringing people closer to their government at every level.

Of course Mr. Beirne's personal observations are his own which may or may not be shared by others. However, his pointed arguments in support of reform are basic and solid.

Mr. Speaker, I include Mr. Beirne's article in the RECORD at this point and commend it to the attention of my colleagues:

THE ROLE OF LABOR IN POLITICS

(By Joseph A. Beirne)

If there is one positive contribution to the American way of life that the current administration has made, it has been to focus our attention on money in politics with crystal clarity.

Never before have we been treated to such a blatant exhibition of governmental favoritism to those who came up with the money at the right time. Corporate antitrust problems can apparently be solved by doling out a little cash. The only problem is that the assessments are being made by political parties in the form of contributions and not by courts in the form of fines. Ambassadorships also have taken a more dominant position in the marketplace. The most disgusting aspect of this practice is that in the eyes of the world we reduce our highest ranking diplomatic envoys to little more than a pack of rich kids. They may not know much about world affairs, but rest assured that they won't be caught eating steak with their salad fork at state dinners.

So, in the light of Watergate and related money-oriented scandals, Congress is beginning to discuss some type of reform of our campaign and election practices. The natural goal of any such reform would be to end the concept of "politicians for rent to the highest contributor," as AFL–CIO Legislative Director Andrew Biemiller put it in recent testimony before the Senate Privileges and Elections Subcommittee. To do this, we must commit ourselves to a system of publicly financed elections. Anything else would continue to perpetuate the election of wealthy candidates at the expense of truly representative legislative bodies.

Reform must go beyond giving a reasonable opportunity to all who wish to run for public office. The amount of money spent on political campaigns is virtually out of control In 1972, the amount spent by candidates seeking office is estimated in the neighborhood of $400 million. There is little hope to bring this spending under control through our current system. CWA Secretary-Treasurer, Glenn E. Watts, said out in testimony before the aforementioned Subcommittee that "at the current rate of inflation and with the built-in increases in campaign costs, campaign spending by the year 1984 could reach an estimated $1 billion." If $400 million can get us Watergate, $1 billion should be sufficient to guarantee the repeal of the Bill of Rights. In the midst of all reform talk there are healthy doses of finger pointing and hand washing. Just as I think the primary villains have been the corporate campaign financiers, others cite labor's political contributions. If you are expecting me to say that we don't contribute, forget it. We most definitely contribute voluntary dollars to candidates who support the views of millions of working men and women. There is an important difference here and it involves people.

Labor unions are about the only major organizations that represent large numbers of working people and are in a position to speak out on their behalf. Whether it be in regard to legislation or political contributions, labor must view itself as a spokesman for these workers and as an alternative sounding board to corporate interest and their trade associations. In the contribution of political funds, the AFL–CIO has long depended on the Committee on Political Education (COPE). The money that COPE dispenses goes to candidates of labor's choosing, who are supportive of the views of working people. There are no "bag men" for COPE money, and there are no Mexican laundromats necessary. Our contributions are above board, and they are made with the consent of our membership.

Within CWA, we have taken steps to insure full membership participation in dispensing of political contributions. Advice from lower echelon officials is sought before contributions are made which would affect the political status in their districts or states. Only if we operate in a democratic manner internally can we hope that our efforts will insure the democratic process externally.

The participation of our membership in political matters is crucial. Recent legislative

failures have demonstrated that. If our political contributions are so effective, why couldn't labor muster enough support to guarantee a new minimum wage bill? Why couldn't we swing enough support to disaster relief and health care? Our answer lies in increasing membership activity in politics. Quite simply, we are committed to the inclusion of people in politics—not only dollars. These initiatives are paying off. In the recent Democratic Telethon II, a request for volunteers brought over 10,000 CWA members to answer telephones throughout the country. And I don't believe that will be their final effort.

In the future, when reform does come to campaigning, I for one will be happy to see labor conform to all money control regulations. But labor's members, the people, will never abandon participation in the political process. They will always be active and their voice will always be heard. Failure to keep people involved would result in turning campaigns back over to money barons and thus leave our democratic system twisting slowly . . . slowly in the wind.

MEDICARE AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 5 minutes.

Mrs. GRASSO. Mr. Speaker, today my colleague from Minnesota (Mr. FRASER) and I are introducing a bill to freeze through 1974 the medicare part A hospital deductible at its present level of $72.

This action was initiated because HEW announced on October 11 that, in compliance with a provision of the social security law, the deductible would be raised from $72 to $84 effective January 1. Secretary Weinberger noted that this increase was not inconsistent with the Cost of Living Council's policies and reflected certain interpretative changes in the Council's regulatory policy.

In an effort to have this massive 16.6-percent increase reconsidered, I asked Mr. Dunlop of the Council for an explanation of the Council's decision. The Council's response indicated that it has no intention of reviewing and modifying its approval of this burdensome increase.

Mr. Speaker, some 290,000 Connecticut residents are eligible for medicare benefits. It is estimated that around 69,000 of our State's citizens will be hospitalized next year. They will face increased medical costs at a time when they must pay higher prices for food, rent, and other basic necessities.

We know that the 5.9-percent increase in social security benefits, scheduled to take place in July 1974, will not balance these high prices, and that added expenses for health care will be an intolerable burden for many of our older citizens. Therefore, we must take action immediately to prevent this 16.6-percent increase in the part A medicare deductible.

The bill I am introducing today, identical to legislation introduced November 5 in the other body with 31 sponsors, makes two changes in the present medicare law. First, it freezes through 1974 the part A deductible cost at $72. Second, it amends the formula contained in the law by changing the base year for computing cost increases from 1966 to 1972. This will insure more reasonable annual increases in the deductible in future years.

Earlier this year, 53 of my colleagues joined me in cosponsoring a resolution opposing increases proposed by the administration in both parts A and B of medicare. I am hopeful that this effort to keep medicare costs to older Americans from skyrocketing will generate comparable support in the House.

COPPER EXPORT INSANITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, in September of this year the United States imported 10,209 short tons of refined copper at a price of nearly 90 cents per pound. In the same month we exported 16,041 short tons of copper.

The domestic price of copper has been frozen at 60 cents per pound. This has resulted in the ridiculous practice of exporting copper which would sell at 60 cents per pound in the United States and buying copper which costs 90 cents per pound.

This insanity cost the American consumer over $6 million in September.

Under the terms of the price control regulations an importer of copper may pass on the increased cost to the consumer. Thus it cost the companies nothing to switch to imported copper. At the same time the copper producers make a 47-percent price freeze "bonus profit" on the copper which they export.

I have repeatedly written to the Secretary of Commerce asking him to impose export controls as long as the price freeze is in effect. I am told that the Secretary of Commerce is monitoring exports and will limit them when it becomes necessary.

Mr. Speaker, it seems to me that when the export of copper costs the consumer of this country $6 million per month it is time to limit exports of copper.

On October 3 I introduced H.R. 10733. This bill would limit the exports of copper during the price freeze or when sales are made from our national stockpile. This legislation is sorely needed in order to prompt the Secretary of Commerce to correct the practice of exporting our raw materials and importing someone else's raw materials at a higher cost.

A similar situation affects the prices that Americans are paying for aluminum, steel, and various plastics. The Secretary of Commerce waits while the companies make higher profits and the American consumer pays and pays and pays.

CPA AT THE POSTAL RATE COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the Postal Rate Commission is one of the agencies that has been mentioned as a target of the Consumer Protection Agency's advocacy under the three bills pending before a subcommittee on which I serve. The Postal Rate Commission, however, has asked to be excluded from CPA jurisdiction, an unlikely possibility, I would judge.

The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final decisions of all other agencies, including decisions not to act as requested. The Fuqua-Brown bill would not grant such an extraordinary power to the nonregulatory CPA.

The Postal Rate Commission was among several selected which were asked by me to list their 1972 proceedings and activities that would be subject to CPA advocacy under the bills.

I have been sharing these responses with the Members in order to avoid a repeat of the confusion we experienced last Congress when debating a CPA bill.

I now place in the RECORD the Postal Rate Commission's listing of its proceedings and informal activities which would be subject to CPA advocacy under all of the bills and CPA-initiated court appeal under all except the Fuqua-Brown bill. I should note, Mr. Speaker, that the Commission's request for exclusion from CPA advocacy is found in its covering letter to me, which I also place in the RECORD:

POSTAL RATE COMMISSION,
Washington, D.C., September 26, 1973.

Hon. DON FUQUA,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: This is in response to your letter of September 7, 1973, requesting certain information concerning operations of this Commission that might be within the advocacy jurisdiction of an independent Consumer Protection Agency, creation of which is now under consideration by Congress.

Detailed answers to your specific questions are attached hereto. By way of supplemental information, we think it may be useful to briefly sketch several unusual features of the Postal Reorganization Act which distinguish the regulatory functions of this Commission from those of other federal agencies. *See* 39 U.S.C. §§ 101, *et seq.* Our authority extends over the Postal Service and is related primarily to those aspects of its operations which affect rates, classes, and services, as set forth in Chapter 36 of the Act.

Under the Act this Commission conducts formal proceedings to determine the reasonableness of postal rates and fees (39 U.S.C. § 3622) and mail classifications (39 U.S.C. § 3623). The Commission may also hold hearings on proposals by the Postal Service for changes "in the nature of postal services which will generally affect service on a * * * substantially nationwide basis" (39 U.S.C. § 3661); and it has jurisdiction to consider complaints that postal rates and services do not conform to the policies of the Act (39 U.S.C. § 3662).

The Postal Service is an independent establishment of the executive branch of the Government (39 U.S.C. § 201). The Governors of the Service are appointed by the President, with the advice and consent of the Senate, and are "chosen to represent the public interest generally" (39 U.S.C. § 202). The members of the Postal Rate Commission are also appointed by the President and are selected "on the basis of their professional qualifications" (39 U.S.C. § 3601) to carry out the policies of the Act. In addition, the

Act contains a unique statutory provision under which "an officer of the Commission, who shall be required to represent the interest of the general public," participates in all hearings on rate and classification matters (39 U.S.C. § 3624). In performance of this function, he and his staff present testimony and exhibits through witnesses on his staff, cross-examine the witnesses of other participants, present pleadings and legal briefs, and, upon conclusion of the proceedings, this Commission officer presents oral argument to the Commission.

Thus, Congress has established a comprehensive scheme under which the interests of the public are expressly represented at three separate levels: (1) through the governing body of the regulated entity; (2) through the members of the regulatory agency; and (3) through an agency staff official. Moreover, in Postal Rate Commission proceedings, unlike those of other regulatory agencies, the regulated entity itself is a governmental body, functioning in the public interest.

In addition to these special statutory provisions for protection of the public interest in Commission proceedings, the Commission took further steps this year to promote representation of the public interest in Commission proceedings. By rulemaking effective February 6, 1973 (39 Fed. Reg. 3510) the Commission initiated and adopted a new regulation authorizing limited participation in Commission proceedings. This rule was adopted in recognition of the fact that full participation in Commission proceedings can be expensive, in view of the complexities of the evidentiary and legal issues involved, and in view of the procedural requirements imposed by the Administrative Procedure Act. The new rule permits interested persons to present the Commission with evidence and recommendations on the issues, without incurring the burdens of full participation.

In view of the special statutory and regulatory plan governing the Commission, we do not believe that, as to postal rates, classes and services, the objectives of H.R. 14, H.R. 21, and H.R. 564 would be furthered by superimposing on the present regulatory scheme a provision for participation, on behalf of the public, of still another agency of the Federal Government. We urge, therefore, that if legislation is enacted, Congress make clear that it is not intended to apply to the Postal Rate Commission. (As an analogy your attention is invited to 39 U.S.C. § 410, which exempts the Commission from many laws applicable to other agencies, such as most laws dealing with federal contracts and employment.)

We hope that these comments and the responses which follow will prove helpful to you. We will be happy to provide any additional information you may require.

In responding to your inquiries, we have preceded each of our answers with the related question for your convenient reference. The Commission has no further comments or recommendations concerning the proposed bills at this time.

Very truly yours,

JOHN L. RYAN,
Chairman, Postal Rate Commission.

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 [the Administrative Procedure Act (APA) notice and comment rulemaking provisions] were proposed by your agency during calendar year 1972?

Answer. 1. Amendments to the Commission's regulations on evidentiary and filing requirements in rate and classification cases. The purpose was to require the Postal Service and intervenors to provide more comprehensive and detailed data for evidentiary records developed before the Commission in formal postal rate and classification proceedings. *See* 37 F.R. 14243 (July 18, 1972).

2. Amendments to the Commission's general rules of practice and procedure, including an amendment allowing limited participation in Commission proceedings to mitigate the financial burden of full-scale intervention. See 37 F.R. 16554 (Aug. 16, 1972).

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 U.S.C. 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer. With respect to rates, see the Answer to Question 3, below.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 U.S.C. 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer. On June 5 1972, the Commission issued its Recommended Decision in the first postal rate case, Docket No. R71-1. The rates recommended by the Commission after approval by the Governors of the Postal Service, were initiated in July 1972.

Docket No. R71-1, a case of first impression under the Postal Reorganization Act which was characterized by unusual complexity of issues, multiplicity of parties, and an extensive evidentiary record, began in February 1971, when the Postal Service filed a request for a change in rates.

Question 4. What adjudications under any provision of 5 U.S.C. chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer. None.

Question 5. Excluding proceedings subject to 5 U.S.C. 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer. None.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer. 1. Interpretative letters in response to requests from Members of Congress.

2. Interpretative answers to letters from members of the public.

3. Informational methodological presentations to Commission and staff members by large mail users and by enterprises in competition with the Postal Service. These presentations were generally open to the public, and the subject of notices in the Federal Register.

4. Informational tours of Postal Service facilities by Commission and staff members. As in (3) above these tours were generally open to the public.

5. Testimony before the House and Senate Post Office and Civil Service Committees.

6. Preparation of an affirmative action plan for equal employment opportunity within the Commission.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer. Under sections 3625 and 3628 of the Act, the Board of Governors of the Postal Service could have allowed the Commission's Recommended Decision in Docket No. R71-1 to take effect under protest and appealed it to a U. S. Court of Appeals. There was no such appeal.

In addition, the Governor's decision to approve the Commission's Recommended Decision in Docket No. R71-1 was subject to appeal to a U. S. Court of Appeals by any aggrieved party to the case, pursuant to section 3628 of the Postal Reorganization Act. The decision was appealed by several intervenors, and was upheld by the court.[1]

ISRAELI CASUALTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, Israel has revealed her casualties in the present war, 1,854 soldiers killed. In proportional terms this is said to be equivalent to 140,000 dead in a country the size of America. We who live in a country with 200 million people and are daily bombarded with the stories of tragedy springing from a world population of over 3 billion quickly become inured to statistics.

Hundreds of thousands have died in recent months from natural disasters in Bangladesh, Ethiopia, and West Africa. The Israelis themselves have vivid memories of the death of 6 million just one generation ago. What impact can the death of 1,854 men have?

Yet, according to Jewish tradition, when even a single man is killed it is as though an entire world has been destroyed. We must think of Israel as a single community to appreciate their feelings today.

For weeks they have waited to hear how many of their young men died in the war and still there is no relief for they must continue to wait for the final blow; 1,854 died but the names of these men are not yet public. Hundreds have died almost overnight with no one knowing whether the dead include relatives, neighbors, or close friends. But there is another dread that Israel must feel now; perhaps these 1,854 were only the first to die in this year's war. Any day the fighting may begin anew. The troops have not been welcomed home to join their families and mourn their fallen comrades. They remain on the lines facing a rebuilt Egyptian army. The region and the entire world waits for Secretary Kissinger to perform a miracle and create an agreement between two sides who neither believe nor trust the promises of the other. Our role can only be that which the administration has chosen simultaneously to arm Israel in case fighting is renewed and to push all parties to the dispute toward negotiations and peace.

In remembering the dead we turn to God and hope for the peace that has yet to come. In closing I would like to include the prayer recited by Jewish mourners, the Kadish.

May His great name be magnified and sanctified in the world which he has created according to His will.

May He establish His kingdom during your life and days and during the life of

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[1] *AAP v. Governors of the United States Postal Service,*——F.2d——, Nos. 72-1641, et al., (D.C. Circuit, decided June 26, 1973).

all the House of Israel, speedily and soon. And let us say: Amen.

Let His great name be blessed for all eternity.

Blessed, praised and glorified, exalted, extolled, and honored, magnified and lauded be the name of the Holy One, blessed be He; though He is above all the blessings and hymns, praises and consolations which are uttered in the world. And let us say: Amen.

May there be abundant peace from heaven and life for us and for all Israel. And let us say: Amen.

May He who causes peace to reign in the Heavens make peace for us and for all Israel. And let us say: Amen.

JEWS IN CHILE SAY THEY ARE OK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, on October 15 I inserted in the RECORD an editorial that indicated there was an anti-Semitic tone to the recent military coup in Chile. The editorial, which appeared in the Daily Texan, a student publication of the University of Texas, quoted anti-Semitic remarks that appeared in a letter to the editor to a Chilean newspaper and in an editorial that appeared in another Chilean paper. It also cited reports from political refugees that leaflets were being dropped from military helicopters in residential areas of Chile urging Chileans to turn in anyone whose name indicated they might be Jewish. The Texan editorial was sent to me by a former constituent, who requested that I call attention to it.

Because of the history of anti-Semitic actions by other Fascist regimes, I was disturbed by the Texas report and looked into the matter further. After talks with Latin American authorities, I was assured that there is no evidence of overt anti-Jewish activities by the Chilean junta.

I have also since received a flat denial of the University of Texas newspaper charges by the Comite Representativo de la Colectividad Israelita de Chile, the official voice of the Jewish community. Their cabled statement of October 26 signed by Gil Sinay, president, and Robert Levy, secretary, says:

> We emphatically deny these statements as absolutely false. No leaflets inciting anti-Semitic persecution have been issued. No anti-Jewish publications have appeared under present regime. To the contrary from the first moment present government authorities have explicitly assured rejection of all racial and religious discrimination. Nobody has been persecuted as a Jew and Jewish institutions continue activities with absolute normalcy. Publications referred to were made in August under previous regime and did not have the exaggerated importance intentionally attributed to same.

I am, of course, pleased to set the record straight and reassured that there have been no attacks on Jews per se by the military junta.

I remain appalled by and opposed to the ruthless, antidemocratic actions of the present military-dominated Chilean Government, which has destroyed freedom of the press, suppressed political opposition and unions, engaged in book-burning and, in its unlawful seizure of power, slaughtered thousands of Chileans as well as several American citizens who happened to be working in Chile at the time of the coup and who were shot down by agents of the military regime.

WATERGATE AND IMPEACHMENT

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

Mr. ASHBROOK. Mr. Speaker, Watergate, the tapes, Agnew's resignation, talk of impeachment, resignations and firings. Mideast wars, energy crisis—the list goes on and on. These are most hectic times to be serving in the Congress.

I am probably in a better position than most to objectively look at the cloud surrounding the President. My voice protested administration policies as early as March 1969. At that time, most of my objections were directed at failing to carry out campaign promises and advocating policies in direct refutation of 1968 promises and platforms. Between 1969 and 1972 I continued to question the policies that the Nixon administration was advocating. I publicly challenged these policies in several 1972 Presidential primaries. As a Republican I have fought within my party for even higher standards than I apply to the Democratic Party. My record clearly shows that I publicly have applied the same principles to Republican and Democrat Presidents. My allegiance is first to principles, not to leaders.

Without being partisan or political, I can honestly say that the same standard my Democratic colleagues want to apply to Richard Nixon was not applied to Lyndon Johnson when the Bobby Baker and Billy Sol Estes scandal was raging. The hope for partisan advantage can sometimes replace the need for impartiality. This does not diminish the culpability of the Nixon administration but it tells a little about those who are yelling the loudest for the President's hide.

The Watergate mess was an arrogant and stupid abuse of power by a handful of self-seeking men. The Nixon responsibility, although not direct I believe, was clearly there. One of his greatest errors has been to foster an almost irrational sense of personal loyalty. Not to the Constitution, not to the country, not to the principles of his own party but personal loyalty to him and the office of the Presidency. There is a heady feeling of power in the White House even in the most favorable circumstances and the loyalty cult breeds problems of the Watergate arrogance and coverup type.

In the atmosphere of loyalty to the man rather than to the country and the Constitution, men soon believe that the end justifies the means. Those who felt that way committed crimes and should be punished. In the case of Mr. Agnew, it is very trying for me because he was and is a close personal friend. He must be judged, however, by the same standards he so ably applied to everyone else. Those standards he so eloquently explicated in the famous law and order speeches were supported wholeheartedly by most Americans, including myself.

The President's mistake in naming a partisan, Archibald Cox, to the position of special prosecutor was compounded by his mistake in firing him. There is no way he could have the public with him on that issue. The release of the tapes probably eased the pressure on the President and will help remove some of the public doubts surrounding Watergate, but it was on again, off again once more. The administration's statements about existence and nonexistence of certain Watergate tapes were further examples of bungling. Presidential errors have been frequent but these are not grounds for impeachment. If we impeached Presidents for mistakes of judgment and even foolishness, we probably would not have had a President keep his office in this century.

No mistake Mr. Nixon has made is any worse than the covert Bay of Pigs disaster in President Kennedy's term, for example. Disappointment in a President and frustration are not constitutional grounds for impeachment. Grounds for impeachment are, as the Constitution says:

> Treason, Bribery, or other high Crimes and Misdemeanors.

The President is right, in my opinion, in pressing for spending limitations and endeavoring to cut down Federal deficits which fuel the fires of inflation. He is wrong in pressing aid to our Communist enemies in the Soviet Union. He is right in pressing for governmental reforms in education and agriculture programs. He was wrong in vetoing the war powers bill and I will vote to override that veto. The people do not want secret diplomatic deals culminating in presidential wars where the President dispatches troops to Vietnam, the Middle East or the Dominican Republic without a vote of the Congress.

The Watergate scandal was, in large part, the result of actions by people who have never held elective office. Few of them were really Republicans but the Republican Party is taking the rap for the wrongdoings of the Nixon appointees. The Republican Party has not caused Mr. Nixon any problems, it is exactly vice versa. In fact, had he relied more on the advice of Republican congressional and party leaders, he would not now be in the deep quagmire in which he finds himself. Opportunism seemed to be the guiding light of the White House coterie which perpetrated the Watergate fiasco. There is a lesson to be learned from the Watergate scandal—that is, that principles must give direction to political parties and officeholders and loyalties must be to principles rather than to men. A politics divorced from principle is a politics in which Watergates and future Watergates are possible. I state now as I did in February 1972:

> That the major reason why most Americans distrust politics and parties in general

is the fact that, on both sides, there seems to be a demand for partisan advantage rather than advocacy of principle.

The Republican Party must once again remember the words of the late Senator Robert A. Taft, Sr.:

A party kills itself and removes any excuse for its existence when it adopts the principles of its opponents.

The Watergate aftermath makes necessary the Republican Party's reaffirmation of basic principles. The Republican Party must work for such goals as limited government, controls on excessive Government spending, and a strong national defense.

I am not now in favor of the impeachment of Richard Nixon. I am in favor of impartiality and justice in any current or future investigations into wrongdoing of any administration—Democrat or Republican.

As in the past, I will continue to speak for the best interests of our Nation as I see them and to support or criticize Presidents and legislation without regard to party or political consequence.

A BALANCE IN THE MIDDLE EAST

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

Mr. ASHBROOK. Mr. Speaker, many Americans are rightly concerned with the conflict in the Middle East. In recent days the Egyptians have been reported to be ready to reengage in war with the Israelis. I think our Government must have a realistic approach to this important area. First, let me state that I am opposed to the introduction of any American ground troops in this area. Second, I am in favor of the United States resupplying the Israelis with weapons. The United States' resupply of Israel is necessary to maintain a military balance in the Middle East. I do not think that the United States should do more than resupply.

We must remember in that part of the world there are more than just two sides—the Arabs and the Israelis. On the Arab side there are the completely anti-Western regimes like those in Egypt, Syria, and Iraq, which are also heavily influenced by the Soviet Union. Additionally, there are a number of more moderate states. Such states as Saudi Arabia, Kuwait, and Jordan can and should be friends of the United States. I urge those states that I have named, as well as the other moderate states in that region, to disassociate themselves with the radical ones.

Also, we must remember that this present war probably would not be taking place if the Soviet Union had not been supplying both Egypt and Syria with all types of advanced weapons. Reports show that the Soviets were involved in a massive buildup in Egypt just prior to the present conflict. This action on the part of the Soviet Union continues. Growing evidence shows that the Soviet Union apparently knew of the current hostilities before they took place. It seems that the Soviets think that they can use détente to further their own ends and will use it whenever possible.

We must be aware of the continuing Soviet efforts to gain predominance in the whole Mediterranean area. American foreign policy must be cognizant of Soviet moves in this part of the world.

Also, we must not lose sight of the following factors: First, Israel's consideration of the conflicts in the Middle East as determining its very existence; second, Soviet efforts to unify the Arabs against the United States and to create problems in NATO; third, Arab efforts to use oil as a weapon against the United States, Western Europe and Japan; and fourth, an unfortunate unity between Arab radicals and moderates. The Middle East conflict is not one prone to easy solution. The Arabs must assure the Israelis that they have given up their efforts to throw the Israelis into the sea while the Israelis must be willing to give assurances to the Arabs that they, the Israelis, are willing to enter into serious negotiations regarding the conquered lands.

After the 1968 war, I wrote the following regarding the Israeli-Arab conflict. It is appropriate for today and I include it with these remarks:

WASHINGTON REPORT

(By JOHN M. ASHBROOK)

FRIEND AND FOE

It seems now that everyone has a prescribed course of action for Israel to follow in that tiny nation's postwar problems of what to do with occupied territory. The most notorious "occupiers" seem to be the most sanctimonious in their denunciations of the Israeli and they should, of course, be suspect in their demands. I personally believe that Israel should never give up Jerusalem, and should divest itself of occupied territory only when other conditions precedent have been accomplished. When India, the most sanctimonious of the lot, gives up the tiny nation of Goa which it gobbled up a few years ago and the U.S.S.R. releases its hold on satellite countries—or at least has free and open elections—then I would advocate that Israel cough up.

We tend to overlook one salient fact in this fickle and materialistic world—the right of national existence independent of what the big powers, the UN or so-called world opinion might think at that particular moment. I believe that Israel clearly has a right to exist. Its existence was threatened by Nasser's threat of extinction. In a rapid war which captured the imagination of most people in the world, Israel proved its determination and fighting spirit. It was a David and Goliath situation of biblical parallel. Israel still exists and it also has the self-evident right to determine the means to continue that existence.

Why is Israel considered in a different context from other nations of the world? Russia, the Congo, India, Nigeria, Vietnam, Germany or even the U.S. to name a few—have a different set of rules applied to them. The inherent weakness of the UN was shown in the withdrawal of troops when Nasser planned his attack. Now the UN wants to intervene and chart the course which Israel must follow. The same UN which was silent when India stabbed Goa and when the communists erected the Berlin Wall now abounds with talk of sanctions and censure.

As I have noted before, our foreign policy is very foggy when it comes to understanding communism. It is built around the fallible assumption that the U.S.S.R. has changed and has no aggressive plans. It is built on maintaining the status quo and "stabilizing" the situation everywhere no matter how bad it is and how impossible a continuation of that status quo might be. There was no status quo in the Near East but our policy experts plaintively announced otherwise. There is no status quo now. The Arab world will rise to wipe out Israel just as surely as the sun comes up tomorrow and yet our policy is dictated towards the belief that this will not happen. Little wonder that Israel, seeing things more clearly, wants to direct her own independent course. I not only don't blame her for this but freely support her in this stand.

The communist world is leading the chorus of demands that Israel give up the Arab sector of Jerusalem and its vantage points now acquired at the Gulf of Aqaba and the Suez Canal. The communists were busily working to change the status quo in the Near East all of the time our government's leaders were saying this was not happening. Worse, Soviet military might is even now being deployed to ready the Arab assault against the free world nation of Israel.

I have asked the Administration for an explanation of the folly it pursues in providing military weaponry and training to Arab countries which are clearly in the communist camp, and which will be used against the friendly nation of Israel. Our taxpayers have provided F–104 jet-fighters, M–48 tanks and other classified equipment to Jordan. Soviet Air Force technicians are using them and experimenting with them.

We can only hope that the Israeli destroyed enough of our own equipment that our communist enemy cannot use them and copy them. These are the same weapons we use in Vietnam and you can figure that out. How many U.S. Army technical and training manuals have been delivered to the Arabs and therefore available to the Russians? Some of the artillery and mortars that Jordanians fired into Jerusalem were from our military assistance programs. The answer our State Department gives when we raise the question of the advisability of training countries is preposterous. The traditional justification is that it helps maintain American influence. This is pure baloney.

Our basic problems cannot always be reduced to simple generalities, but one generality which is abundantly clear, however, is the tendency of this Administration to treat everybody as a friend and not make a distinction between friend and foe. There is clearly a cold war and there are clear, visible sides in this cold war. We should stop treating our enemies like they are friends. Take Syria, for example. They are so militantly pro-communist that not even a fool could miss their line. The Syrian government denounced the U.S. as an aggressor in Vietnam, welcomed a Viet Cong delegation to Damascus, permitted Communist China to provide weapons and guidance to Syrian-based terrorists who raided Israel and proclaimed Syria a spearhead of the struggle against what they denounced as U.S. imperialism. While they are doing all of this the State Department was channeling aid to Syria and we were training Syrian military officers. This is only a portion of their anti-American and pro-Soviet record. Yet, our blind policy counts them in the "doubtful" category so we keep trying.

Jordanian King Hussein left President Johnson to embrace Nasser on his return. Egypt now has welcomed a Soviet naval task force, including missile cruisers to Port Said and Alexandria. There is little doubt regarding their intentions. Why so much doubt, then, in our policy?

I will support amendments to our Foreign Aid bill to stop all aid to countries who have broken diplomatic relations with us. A roll call of our aid in the Near East is most illuminating. Iran: $1.75 Billion; Iraq: $102 Million; Jordan: $573 Million; Saudi Arabia: $209 Million; Syria: $73 Million; Egypt, $1.1 Billion; Yemen: $42 Million. Of all of the Mideast nations, Lebanon and Jordan seem to be the least anti-American.

One should not need to ask the simple question: If the Arabs had won the war, what would have been the result? Would they have carried out their repeated threats to exterminate Israel? Don't forget that it was Nasser and the Arab bloc which threatened annihilation—not the Israeli. Yet, we now hear the Communist bloc calling Israel the aggressor. It isn't hard to understand them because they act and react in the manner you expect. It is quite another story when it comes to understanding our own State Department.

It is time to stop aiding those who are a part of the Soviet Union's aggressive plans in the Mideast and recognize the distinction between friend and foe. Israel is our friend. They are a free nation. They believe in democratic ideals. We should be glad to be on their side. However, they can well wonder about their friends. President Johnson indicates we can't recognize the unification of Jerusalem and British Foreign Secretary Brown says Israel must pull back 100%. By the way, who won that war.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MAHON (at the request of Mr. POAGE), for today, on account of illness of wife.

Mr. BELL (at the request of Mr. GERALD R. FORD), for week of November 5, on account of official business.

Mr. DAVIS of Wisconsin (at the request of Mr. GERALD R. FORD), from November 5 through November 19, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCOLLISTER) and to revise and extend their remarks and include extraneous matter:)

Mr. STEIGER of Arizona, for 10 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

Mr. HOGAN, for 60 minutes, today.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. RYAN) and to revise and extend their remarks and include extraneous matter:)

Mr. DIGGS, for 5 minutes, today.

Mr. CULVER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mrs. GRASSO, for 5 minutes, today.

Mr. TIERNAN, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. PODELL, for 10 minutes, today.

Ms. ABZUG, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. YOUNG of Florida, to revise and extend his remarks immediately following those of Mr. FRELINGHUYSEN during debate on the veto of the war powers bill.

Mr. BOLLING, and to include extraneous material.

Mr. BIAGGI, to revise and extend his remarks prior to the vote on House Joint Resolution 542, the war powers of Congress and the President.

Mr. BIAGGI, to revise and extend his remarks prior to the vote on the rule on H.R. 11104, the public debt limit.

(The following Members (at the request of Mr. MCCOLLISTER) and to include extraneous matter:)

Mr. HILLIS in two instances.

Mr. MCCLOSKEY.

Mr. QUIE.

Mr. LANDGREBE in 10 instances.

Mr. RONCALLO of New York in three instances.

Mr. DERWINSKI in two instances.

Mr. GUBSER.

Mr. HOSMER in three instances.

Mr. WYMAN in two instances.

Mr. HARVEY in two instances.

Mr. MARAZITI.

Mr. ARCHER in two instances.

Mr. CARTER in three instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. DUNCAN.

Mr. GILMAN.

Mr. WYLIE.

Mr. FRENZEL.

Mr. GOODLING.

Mr. ABDNOR.

Mr. HUBER in three instances.

Mr. MCCLORY.

Mr. HOGAN.

Mr. GOLDWATER.

Mr. LUJAN in two instances.

Mr. ERLENBORN.

Mr. MINSHALL of Ohio.

Mr. RINALDO.

Mr. BROYHILL of Virginia.

Mr. HORTON.

Mr. HANRAHAN.

(The following Members (at the request of Mr. RYAN) and to include extraneous matter):

Mr. CHARLES H. WILSON of California in 10 instances.

Mr. TIERNAN in 10 instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. DINGELL.

Mr. EVINS of Tennesssee.

Mr. WOLFF in seven instances.

Mr. RODINO in three instances.

Mr. CHARLES WILSON of Texas in four instances.

Mr. ROYBAL in 10 instances.

Mr. CULVER.

Mr. BINGHAM in 10 instances.

Mr. CLAY in six instances.

Mr. ALEXANDER.

Mr. EDWARDS of California in four instances.

Mr. OBEY in six instances.

Mr. HARRINGTON in five instances.

Mr. KYROS.

Mr. DULSKI in six instances.

Mr. KOCH.

Mr. YATRON.

Mr. FASCELL in three instances.

Mr. PREYER in two instances.

Mr. ANDERSON of California in two instances.

Mr. STUDDS.

Mr. ROSENTHAL in five instances.

Mr. MCCORMACK.

Mr. RIEGLE.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, November 8, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1529. A letter from the Assistant Secretary of Agriculture, transmitting a report on the rural environmental assistance program for fiscal year 1972, pursuant to 50 Stat. 329; to the Committee on Agriculture.

1530. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a special report of the Council on the proposed replenishment of the resources of the International Development Association (H. Doc. No. 93–181); to the Committee on Banking and Currency and ordered to be printed.

1531. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting a special report of the Council on a proposed contribution and subscription of resources to the Asian Development Bank (H. Doc. No. 93–182); to the Committee on Banking and Currency and ordered to be printed.

1532. A letter from the Administrator of General Services, transmitting a prospectus proposing an amendment to the extension project authorized for the Post Office and Courthouse Building at Tyler, Tex., pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1533. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations to buildings 12 and 22, Military Ocean Terminal, Bayonne, N.J., for occupancy by the New York Federal Archives and Records Center, pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1534. A letter from the Administrator of General Services, transmitting a revised prospectus for proposed alterations to the new Post Office Building in Washington, D.C., pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1535. A letter from the Comptroller General of the United States, transmitting a report that improvements are needed in the Atomic Energy Commission's program for the protection of special nuclear material; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MELCHER: Committee of Conference. Conference report on S. 1081 (Rept. No. 93-624). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK:

H.R. 11304. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers; to the Committee on Education and Labor.

By Mr. COCHRAN:

H.R. 11305. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 11306. A bill to provide for the appointment of a Special Prosecutor and for other purposes; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS:

H.R. 11307. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FRASER (for himself and Mrs. GRASSO):

H.R. 11308. A bill to limit the medicare inpatient hospital deductible; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 11309. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. GINN:

H.R. 11310. A bill to designate certain lands in the Blackbeard Island National Wildlife Refuge, McIntosh County, Ga., as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 11311. A bill to name the Federal building, U.S. Post Office, U.S. Courthouse, in Brunswick, Ga., as the "Frank M. Scarlett Federal Building"; to the Committee on Public Works.

By Mr. HASTINGS (for himself, Mr. COLLINS of Texas, Mr. LENT, Mr. MCDADE, and Mr. METCALFE):

H.R. 11312. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 11313. A bill to amend the Shipping Act, 1916, in order to prohibit the practice of port equalization; to the Committee on Merchant Marine and Fisheries.

By Mr. NICHOLS:

H.R. 11314. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 11315. A bill to provide emergency security assistance authorizations for Israel and Cambodia; to the Committee on Foreign Affairs.

By Mr. PEYSER (for himself, Mr. KOCH, Mr. BIAGGI, Mr. MURPHY of New York, Mr. WOLFF, Mr. RANGEL, Ms. ABZUG, Ms. CHISHOLM, Mr. BRASCO, Mr. ROSENTHAL, Mr. LENT, Mr. ADDABBO, Mr. BINGHAM, Ms. HOLTZMAN, and Mr. BADILLO):

H.R. 11316. A bill to provide that the Secretary of State shall make certain compensatory payments to States and political subdivisions with respect to United Nations property tax exemptions to the Committee on Foreign Affairs.

By Mr. PICKLE (for himself, Mr. THONE, Mr. ALEXANDER, Mr. YATRON, Mr. FUQUA, and Mr. STEELMAN):

H.R. 11317. A bill to assure an adequate supply of freight cars for the movement of the Nation's goods, to encourage the production and acquisition of freight cars and to facilitate the efficient use of rolling stock, to provide that the Secretary of Transportation certify his approval or disapproval of plans submitted to him by grain exporters regarding their proposed use of freight cars, and amending the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. POWELL of Ohio (for himself, Mr. CLEVELAND, Mr. DAVIS of South Carolina, Mr. GUYER, Mr. HUBER, Mr. ROBINSON of Virginia, Mrs. SCHROEDER, Mr. RYAN, and Mr. LEGGETT):

H.R. 11318. A bill to amend title 10 of the United States Code to provide that educational institutions receive a reimbursement for each student commissioned through the Reserve Officer Training Corps (ROTC) program at the institutions; to the Committee on Armed Services.

By Mr. RAILSBACK:

H.R. 11319. 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. RARICK (for himself, Mrs. HANSEN of Washington, Mr. SIKES, Mr. EVANS of Colorado, Mr. GUNTER, Mr. BERGLAND, Mr. WYATT, Mr. BAKER, Mr. THONE, Mr. SYMMS, Mr. SISK, and Mr. HICKS):

H.R. 11320. A bill to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources; and for other purposes; to the Committee on Agriculture.

By Mr. RODINO (for himself, Mr. DONOHUE, Mr. KASTENMEIER, Mr. EILBERG, Mr. FLOWERS, Mr. SEIBERLING, Mr. DANIELSON, Mr. DRINAN, Mr. RANGEL, Mr. THORNTON, Mr. OWENS, Mr. MCCLORY, Mr. SMITH of New York, Mr. RAILSBACK, Mr. FISH, Mr. MAYNE, Mr. HOGAN, Mr. COHEN, Mr. LOTT, Mr. FROEHLICH, Mr. MOORHEAD of California, and Mr. MARAZITI):

H.R. 11321. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.R. 11322. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. ADAMS, Mr. ADDABBO, Mr. ALEXANDER, Mr. ANDREWS of North Dakota, Mr. BROWN of California, Mr. BURLISON of Missouri, Mr. CONTE, Mr. COTTER, Mr. DUNCAN, Mr. EVINS of Tennessee, Mr. FASCELL, Mr. FORSYTHE, Mrs. GRASSO, Mr. HAMILTON, Mr. ICHORD, Mr. LEGGETT, Mr. LEHMAN, Mr. MEZVINSKY, Mr. MURPHY of New York, Mr. OBEY, Mr. PERKINS, Mr. PREYER, and Mr. REES):

H.R. 11323. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself, Mr. MOSS, and Mr. HOSMER):

H.R. 11324. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona (for himself, Mr. BLACKBURN, Mr. DERWINSKI, Mr. DICKINSON, Mr. HOSMER, Mr. PARRIS, Mr. YOUNG of Alaska, Mr. BAKER, and Mr. DON H. CLAUSEN):

H.R. 11325. A bill to authorize the Secretary of the Interior to make grants to assist the States and Indian Tribes to develop and implement land use planning processes; to coordinate Federal programs and policies which have land use impact; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 11326. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 11327. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. HOSMER, Mr. NIX, Mr. HARRINGTON, Mr. LEHMAN, Mrs. GRASSO, Mr. HAWKINS, Mr. MITCHELL of New York, Mr. RANGEL, Mr. PODELL, Mr. CORMAN, Mr. BROWN of California, Mr. CONYERS, Mr. MEEDS, Mr. MOLLOHAN, Mr. EDWARDS of California, Mr. CHARLES H. WILSON of California, Mr. MITCHELL of Maryland, Mr. ROSENTHAL, Mr. PEPPER, Mr. YATRON, Mr. WINN, Mr. KYROS, and Mr. WIDNALL):

H.R. 11328. A bill to provide for the establishment within the Department of Health, Education, and Welfare of a National Center on Child Abuse and Neglect; to provide a program of grants to States for the development of child abuse and neglect prevention and treatment programs; and to provide financial assistance for research, training, and demonstration programs in the area of prevention, identification, and treatment of child abuse and neglect; to the Committee on Education and Labor.

By Mr. BYRON:

H.R. 11329. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 11330. A bill to establish an independent Special Prosecution Office, as an independent agency of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 11331. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS:

H.R. 11332. A bill to repeal the act of January 5, 1927, relating to jurisdiction over the taking of fish and game within certain Indian reservations; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 11333. A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to pro-

vide increases in supplemental security income benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 11334. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

H.R. 11335. A bill to amend the Securities Exchange Act of 1934 to restrict persons who are not citizens of the United States from acquiring more than 35 percentum of the nonvoting securities or more than 5 percentum of the voting securities of any issuer whose securities are registered under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11336. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. PREYER (for himself, Ms. ABZUG, Mr. ALEXANDER, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. FASCELL, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. HARRINGTON, Mr. KYROS, Mr. MCCORMACK, Mr. MANN, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOSS, Mr. MURPHY of New York, Mr. O'HARA, Mr. PEPPER, Mr. REES, Mr. ROY, Mrs. SCHROEDER, Mr. TAYLOR of North Carolina, Mr. TIERNAN, and Mr. WALDIE):

H.R. 11337. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. ANDREWS of North Carolina, Mr. CULVER, Mr. DANIELSON, Mr. NIX, Mr. PEPPER, Mr. PICKLE, Mr. ROBINSON of Virginia, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ROY, Mr. SEIBERLING, Mr. SIKES, Mr. SLACK, Mrs. SULLIVAN, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. UDALL, Mr. ULLMAN, and Mr. WALDIE):

H.R. 11338. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. SYMINGTON:

H.R. 11339. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that patients may not be treated with investigational new drugs without their consent, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ARCHER (for himself, Mr. ARMSTRONG, Mr. BURKE of Florida, Mr. EDWARDS of California, Mr. FREY, Mr. HASTINGS, Mr. HEINZ, Mr. HUDNUT, Mr. KETCHUM, Mr. LENT, Mr. LOTT, Mr. LUJAN, Mr. MCCOLLISTER, Mr. MCDADE, Mr. MCKINNEY, Mr. MARTIN of North Carolina, Mr. MINSHALL of Ohio, Mr. MOLLOHAN, Mr. PEYSER, Mr. REGULA, Mr. ROBINSON of Virginia, Mr. RODINO, Mr. SHOUP, Mr. YATRON, and Mr. YOUNG of South Carolina):

H.J. Res. 813. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. CULVER (for himself, Mr. WHITE, Mr. STEELE, and Mr. HANNA):

H.J. Res. 814. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.J. Res. 815. Joint resolution to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of the President; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 816. Joint resolution proposing an amendment to the Constitution of the United States to provide a limit, established in relation to national income, on Federal revenue and expenditures, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 817. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. HARRINGTON, Mr. REES, Mr. FRASER, Mr. UDALL, Mr. BROWN of California, and Mr. HELSTOSKI):

H. Con. Res. 376. Concurrent resolution expressing the sense of Congress that Richard M. Nixon should resign from the Office of President of the United States; to the Committee on the Judiciary.

By Mr. BYRON:

H. Res. 689. Resolution to seek peace in the Middle East and to continue to support Israeli's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 11340. A bill for the relief of Mrs. Maritza Busch; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 11341. A bill for the relief of James R. Oom, Jr.; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 11342. A bill for the relief of Benjamin R. Lucardie; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

350. By the SPEAKER: Petition of Yisrael Yeshayahu, Speaker of the Knesset, Tel Aviv, Israel, relative to treatment of prisoners of war by Egypt and Syria; to the Committee on Foreign Affairs.

351. Also, petition of James L. Dillard, St. Albans, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GENERAL ACCOUNTING OFFICE REPORTS ON BLIND VENDORS ON FEDERAL PROPERTY—RICHARD STARNES' ARTICLE HIGHLIGHTS ISSUES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 7, 1973

Mr. RANDOLPH. Mr. President, on Tuesday, October 30, the Washington Star-News published an article by Richard Starnes, of the Scripps-Howard News Service, entitled "GAO: Blind Get No Breaks." The article briefly reviews the recent report prepared by the Comptroller General of the United States on sources and uses of vending machine income on Federal property, which was authorized by the Subcommittee on the Handicapped.

Mr. Starnes' article also mentions S. 2581, the Randolph-Sheppard Act Amendments of 1973, which I introduced on October 13, and which thus far enjoys the cosponsorship of 28 Senators.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GAO: BLIND GET NO BREAKS

(By Richard Starnes)

A sharply worded report by the General Accounting Office accuses the Defense Department and the U.S. Postal Service of depriving blind concession stand operators of hundreds of jobs and possibly millions of dollars in income.

The GAO investigation was ordered by Sen. Jennings Randolph, D-W. Va., coauthor of a 37-year-old law intended to give sightless persons preference in operating concession stands in government buildings.

In spite of the law, Randolph said, "blind vendors have met with obstacles every torturous step of the way." He estimated that the 3,500 licensed blind vendors now operating stands could be doubled in five years "if the onerous restraints of undue competition are lifted."

"They (blind operators) find competition from federal employe welfare and recreation associations which operate their own vending machines. They find military post commanders who are unwilling to consider blind vendor sites at their installations. They even find . . . that an employe association at a major federal space installation demanded that blind vendors give 10 percent of their profits to the employe association."

The GAO report made it clear that the principal abuses in the blind vendor program took place in Postal Service and Defense Department installations.

From responses to questionnaires sent to 291 postal installations, GAO found there were 68 vending stands operated by the blind, and one vending stand and 2,873 vending machines controlled by employe associations.

"Employe associations had gross receipts of $2.8 million . . . and a net income of $1.6 million," GAO reported.

"About $86,800 of the net income was assigned to blind vendors under income-sharing arrangements; the remainder went for employe benefits such as recreation programs, scholarships, and gifts."

Six of 10 blind Postal Service vendors questioned at random by GAO reported net income of under $3,000, the report said.

GAO noted that a Postal Service audit had found abuses in the handling of income from vending operations and that there had been insufficient supervision "to insure compliance with federal policies and regulations."

Expanding the blind vendor program in postal installations, the report added, "will depend on postal officials' attitudes" and