Ahlers, Norbert Anthony
Anderson, Charles Edward
Anderson, Merlin Francis
Arion, Ellsworth Eugene
Arnold Arlen Elmo
Ashlock, Edward Lee
Atchley, Andrew Thomas
Bailey, Robert Chalmers
Banister, Robert Lee
Barber, James Walter
Barger, William Ray
Barhite, Robert Eugene
Barnes, Sam Motley
Barnett, Francis Eugene
Beabout, Robert Franklin
Beagle, Charles Blaine
Beaver, Ira Howard
Beck, Allen Earl
Becker, Raymond Herbert
Beebee, Douglass Ramon
Black, James Douglas
Blake, Joseph Albert, Jr.
Bliss, Albert McChesney
Board, George Robert
Boon, John Edward
Boor, Leo John
Boorom, Robert Francis
Brackett, John Woodburry
Brasil, Robert Frank
Bratsch, Roger Donley John
Brown, Leonard Harrison, Jr.
Bryden, Kenneth Chester
Bunch, Duane Wilton
Byrd, Alwyn Millard
Campbell, James Thomas
Carlson, Robert Stanley
Carlton, Norman Lee
Carter, Arthur Edward
Carter, Harry McClain
Carter, John George
Catron, John Graoy
Chavez, Angelo Enrique
Chenoweth, Charles Everett
Chernegie, Michael Alexander
Cloutier, Lawrence Paul, Jr.
Coats, Daniel Michael
Comeau, Thomas Anthony
Coons, Bard See
Cooper, James Oliver
Courtney, Walter Edward
Curry, Samuel Grayson, II
Dallman, Roger Anthony, Sr.
Daughton, Gary Iee
Davis, Robert Lee
Deffenbaugh, Dale Chester
Detwiler, Donald Vernon
Deutsch, Joseph King
Dill, Mytnor Alan
Dionne, Roger William
Dix, Richard Jack
Duchesneau, Robert Edward
Duke, Arnold Lowell
Duke, Clinton Harrison, Jr.
Duren, James Richard
Edwards, Raymond Lewis
Elkins, Franklin Delano
Enevoldsen, Jack
Englebretson, Ronald Earl
Ensminger, Gerald David
Escajeda, Ruben
Fawcett, Peter Formanek
Fischer, Henry Arnold
Fisher, John Straw
Flahiff, Daniel Edward
Frantz, James Arthur
Frial, Ernesto Fabillon
Fulgham, Caleb Richard
Fuller, Emil Andrew
Gardiner, John Peter
Garrett, Charles Edward
Gault, Harry Stewart, Jr.
Gelsomino, Michael Joseph
Gepford, Richard Donald
Germany, Charles Joseph
Gillespie, Lindsay Moore
Glover, Thomas James
Goode, Eugene Francis
Goodrum, Daniel Joseph
Graham, Dennis Loring
Greer, James Nelson
Green, Marion Wendell
Grigsby, Leon Thomas
Haaf, Joseph Bernard
Hagenbruch, Robert Henry
Hambley, James Gilbert
Hamilton, Jerry Allen
Hand, John Milton
Harper, James Edward
Harris, Donald Edward
Harris, Bobby Lynn
Hartman, David Lee
Hawtin, David Ray
Heidecker, William August
Hendricks, Jerry Franklin
Hennegan, Dennis Stephen
Henry, Joseph Edward
Hight, Harvey Bea
Hilton, John Franks, Jr.
Hinson, William Phillip
Holden, Hugh Frederick
Holder, J. D.
Holliday, Donald Ainsley
Holzendorf, William Frank
Horsfall, William Edward
Howard, John David
Howell, Robert Dale, Sr.
Hubbard, William Vanoy
Hubert, David Leroy
Hudson, James E.
Hughes, James
Irby, Eldon Elmore
Jeffries, William Pettit, Jr.
Johnson, Clara Belle
Johnstone, Robert James
Kay, Raymond Erwin
Kearns, Thomas Owen
Keith, Donald Rae
Keith, William Brett, Jr.
Krygier, Thomas Joseph
Kuzel, Norman Emil
Kyser, Harold Harlon
Larson, Marvin Leigh
Lawson, Carroll Lavon
Little, David Joe
Long, Thomas Pressly
Lord, Don
Losli, Gerald Grant
Lovett, Cecil W., Jr.
Lowe, Michael Baxter
Lowe, Walter Robert
Malmborg, Charles Leroy
Marenbach, Harry Alfred
Marino, Raffaele
Matthews, Billie Joe
Matthews, Dale McNeil
May, Harlin Conrad
McGee, James Murry
McGowan, Eugene Edward
McKinzie, Joe Edward
McLean, Angus Laughton, Jr.
McMaster, Timothy Richard
McNutt, Jerry Wayne
Mercer, Laurice Wayne
Meuchel, Frank Tony
Middlebrooks, Robert Durwood
Miller, Kenneth Ray
Miller, Ronald Lee
Morales, Vicente
Morris, Phillip Gail
Morris, Robert Allen
Mundy, William Edward
Nicholson, Gerald Norman
Nitschke, Karl William
Njaa, John Roger
Nolin, Robert
Nyman, Keith Oscar
Oehler, James Christ
Ohlman, Douglas Herman
Ohm, Robert Lee
O'Neal, Floyd Wendell
O'Neal, Jim Franklin
Owens, Richard Lee
Oxrider, James Penfield
Parkhurst, Lyman Edward
Parsons, Robert Eugene
Pearrell, Larry William
Piper, Leon Tracy
Platt, Larry Duane
Polk, Deward Winston
Porter, Joel
Powers, Richard George
Rawls, Robert Sherwood
Raymond, James Burr
Reid, Louis Lee
Renwick, David
Reuter, Kenneth Earl
Rhoden, Lawrence Bernard
Richardson, Billy Earl
Ridener, Linville Lee
Ritchie, Coy Doyle, Jr.
Rizek, Paul Herman
Robbins, Donald Dean
Robbins, Robert Justin
Roe, James Paul
Romito, Vincent Anthony
Rooks, John T.
Roos, Neal Gerald
Rumer, William Harry
Russell, Richard Leon
Scaringella, Charles Thomas
Scherzer, James David
Sharp, Robert Leroy
Shaul, Michael C.
Shelton, Lynn Dale
Shields, Joseph Carl
Slayton, Gerald Clifford
Smith, Lewis Baxter
Smith, Robert Emmet
Smith, Walter Junior
Southerland, Macy James
Sprey, Douglas
Sturm, Jackie Lee
Sullivan, James Stephen
Sullivan, Joseph Edward
Sutton, Morris Lee
Taylor, Douglas Kent
Thomason, William Rex
Toon, Norbert Leo
Tucker, Claude Thomas, Jr.
Tudor, Tommy Neal
Turk, Joseph
Turner, Jack Eugene
Tyler, Warner Russell
Vandyne, Leroy Thomas
Velsor, Herbert Frank
Vickery, Gwynn Arnold
Vsetecka, Leonard John
Walsh, Myles Edward
Walsh, William Charles
Watson, Tannis Robert
Watson, Jimmy David
Werling, Robert
Wheeler, Sidney Wayne
Will, George Frederick
Wilson, Millard Joseph
Wippel, Lawrence Franklin
Wisdom, Hayden Rand
Woods, Gerald Bishop
Worley, Robert Allen
Wyatt, Thomas Verden
Zoglmann, Paul Samuel

HOUSE OF REPRESENTATIVES—*Monday, December 3, 1973*

The House met at 12 o'clock noon.

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

The Lord is good, a strong hold in the day of trouble; and He knoweth them that trust in Him.—Nahum 1:7.

O God, our Father, source of the light that never fades and the love that never fails, we rest our weary souls in Thee and yield our flickering torch to Thy spirit that in Thy sunshine's blaze our days may brighter, fairer be. In the midst of conditions that baffle us and currents that almost overwhelm us we seek a more than human strength which will hold us up and keep our feet from slipping.

May Thy spirit flow through our waiting hearts increasing our faith in each

other, healing our divisions, guarding our lips from carping criticism and bringing our thoughts into captivity to that which is good, true, and beautiful. Scorning all that is unworthy may we keep alive within us only that which is worthy, grant that the fairest flower of honor may bloom among us and may its fragrance linger forever in all our hearts.

In the spirit of Him whose life is truth we pray Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 1694. An act for the relief of Ossie Emmons and others;

H.R. 3436. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.;

H.R. 5379. An act for the relief of John B. Clayton;

H.R. 6007. An act for the relief of Swift-Train Co.; and

H.R. 7210. An act for the relief of George Downer and Victor L. Jones.

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

H.R. 3153. An act to amend the Social Security Act to make certain technical and conforming changes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3153) entitled "An act to amend the Social Security Act to make certain technical and conforming changes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. MONDALE, Mr. BENNETT, Mr. CURTIS, and Mr. FANNIN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 8 to the bill of the Senate of the following title:

H.R. 1284. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

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

S. 417. An act to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park;

S. 513. An act to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities;

S. 577. An act for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve;

S. 1468. An act to authorize the establishment of the Knife River Indian Villages National Historic Site; and

S. 1976. An act to study an Indian Nations Trail within the National Trails System.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 614]

Archer	Flowers	O'Neill
Ashley	Ford,	Owens
Baker	William D.	Powell, Ohio
Blatnik	Gettys	Price, Ill.
Bowen	Goldwater	Quillen
Bray	Gubser	Reid
Broomfield	Hanna	Rooney, N.Y.
Brown, Mich.	Hansen, Wash.	Ryan
Burgener	Hawkins	Sandman
Burke, Calif.	Hébert	Sisk
Burke, Fla.	Henderson	Stanton,
Casey, Tex.	Holifield	James V.
Cederberg	Hosmer	Steele
Chisholm	Jarman	Stephens
Clark	Johnson, Colo.	Stokes
Clausen,	Jones, Okla.	Talcott
Don H.	Keating	Taylor, N.C.
Clawson, Del	Kemp	Teague, Tex.
Conyers	Kuykendall	Udall
Cotter	Landrum	Waggonner
Coughlin	McEwen	Walsh
de la Garza	McKinney	Widnall
Dellums	McSpadden	Wiggins
Dickinson	Macdonald	Wilson, Bob
Diggs	Martin, Nebr.	Wright
Dingell	Michel, Ill.	Young, Ga.
Donohue	Mills, Ark.	Young, Ill.
Downing	Minshall, Ohio	Young, S.C.
Dulski	Mizell	
Esch	Nichols	

The SPEAKER. On this rollcall 348 Members have recorded their presence by electronic device, a quorum.

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

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

SECURING STORAGE SPACE FOR THE U.S. CONGRESS

The Clerk called the Senate joint resolution (S.J. Res. 155) authorizing the securing of storage space for the U.S. Senate, the U.S. House of Representatives, and the Office of the Architect of the Capitol.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to question someone who is knowledgeable about this resolution.

The resolution itself provides no term of years for the leasing of this space, but the report indicates that it begins in what remains of this fiscal year and runs for 4 years thereafter. How much more time will be sought?

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

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

Mr. GRAY. I thank the gentleman for yielding. I will be glad to answer his question.

First, let me say we have a very critical need for storage space in the legislative branch of government. This legislation was requested by the leadership of the House and the Senate on both sides of the aisle and our distinguished architect, Mr. White. We have a very favorable rental price of $2 per square foot, which compares with $6 to $8 throughout the country.

The General Services Administration is going to make available space in a building down on South Capitol and P Streets Southwest for the purpose of storing documents there. It is a very nominal amount for the first year, about $25,000.

Mr. GROSS. I understand.

Mr. GRAY. Mr. Speaker, the reason I answer the gentleman from Iowa in this manner is because we do not know how many years will be needed, so we said that we would set the cost up on a 4½-year basis and then take another look at it, outlined in the report.

Mr. GROSS. But, does it provide space for four and a half years, approximately? There is no authorization, no indication in the bill itself that it is to run for 4½ years. I do not quite understand why there is no such provision in the bill.

Mr. GRAY. Mr. Speaker, I would say to my friend from Iowa, if he will yield further to me, that it is an open-ended authorization as far as the number of years are concerned, but in compliance with the rules of the House, we did list an exact amount of cost per year, which is approximately $30,000 for a 4½-year period.

Mr. GROSS. A very substantial building is being erected at the corner of C Street and First Street Southeast. I do not know what use, other than certain spillover from the Library of Congress, is going to be made of that building, and it is not a small building.

Would it not be in the interests of economy to use space in that building for storage space, or does the gentleman propose to make a House office building out of that?

Mr. GRAY. The gentleman is referring to the third Library of Congress building. At the present time the Library of Congress is renting space in 15 different locations throughout the city, so that the purpose of that building is to do exactly what the gentleman from Iowa would like to see done. We are consolidating space in an effort to do away with paying out several millions of dollars a year for rented space. I can assure the gentleman, after having spoken to the leadership and the Architect, this space is badly needed. I am sure Mr. White, the Architect, will not rent one additional square foot he does not need.

Mr. GROSS. Mr. Speaker, I am not

going to oppose the passage of the bill, but I hope in the future we get legislation that is not completely open-ended as is this legislation.

Mr. Speaker, I thank the gentleman.

Mr. GRAY. Mr. Speaker, I share my friend's views.

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

NAMING GEOLOGICAL SURVEY NATIONAL CENTER HEADQUARTERS BUILDING AS "JOHN WESLEY POWELL FEDERAL BUILDING"

The Clerk called the bill (H.R. 6862) to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building."

There being no objection, the Clerk read the bill as follows:

H.R. 6862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the headquarters building in the Department of the Interior's Geological Survey National Center now under construction in Reston, Virginia, shall hereafter be known and designated as the "John Wesley Powell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Wesley Powell Federal Building".

Mr. GRAY. Mr. Speaker, I rise in support of H.R. 6862—legislation authored by Mr. BROYHILL of Virginia, Mr. GROVER of New York, and myself—a bill to name the headquarters building in the Geological Survey National Center in Reston, Va., in honor of a distinguished cofounder and former director of that agency.

John Wesley Powell was universally known as a soldier, scientist, and explorer. He has left his mark on agencies and legislation for the development and conservation of the natural resources of the world. He embarked on many historic expeditions that were to change the course of development and understanding of our western lands. Partly as a result of his activities and interests, the U.S. Geological Survey was established within the Interior Department in 1879. From 1881 through 1894 Major Powell was director of that agency. During his tenure, that agency experienced remarkable growth, expanding field operations initially restricted in western regions to nationwide proportions. Because of his dedication to the agency, he firmly established the U.S. Geological Survey as a desirable and permanent part of Government.

I believe it would indeed be fitting to name the Federal building in Reston, Va. in his honor as a tribute to his farsighted contributions to the Geological Survey and our national development.

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

Mr. GRAY. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 1618) to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building," be considered in lieu of the House bill just passed.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 1618

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the headquarters building in the Department of Interior's Geological Survey National Center now under construction in Reston, Virginia, shall hereafter be known and designated as the "John Wesley Powell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Wesley Powell Federal Building".

Mr. GROSS. Mr. Speaker, reserving the right to object, is the Senate bill a similar bill?

Mr. GRAY. Mr. Speaker, if the gentleman will yield, yes, it is. The Senate bill was originated by request from the administration, and I will be glad to put in the record a history of Major Powell, who was an early cofounder of the Geological Survey Agency.

Mr. GROSS. Mr. Speaker, if it is an identical bill, then there are none of the Senate's famous nongermane amendments attached?

Mr. GRAY. As usual, the gentleman is eminently correct.

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

A similar House bill (H.R. 6862) was laid on the table.

NAMING U.S. COURTHOUSE AND FEDERAL BUILDING IN NEW ORLEANS, LA., AS THE "HALE BOGGS FEDERAL BUILDING"

The Clerk called the bill (H.R. 9430) to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 9430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States courthouse and Federal office building now under construction at the corner of Camp Street, bounded by Poydras Street, Lafayette Street, and Magazine Street, New Orleans, Louisiana, shall hereafter be known and designated as the "Hale Boggs Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Hale Boggs Federal Building".

SEC. 2. The first sentence of section 25 of the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act (Public Law 92–520) is amended by striking out "System Facilities Development Foundation at 101 West Ninth Street," and inserting in lieu thereof the following: "Systems Data Center facility in Minnehaha County near".

SEC. 3. Section 11 of the Dwight D. Eisenhower Memorial Bicentennial Civic Center Act (Public Law 92–520) is hereby repealed.

Mr. GRAY. Mr. Speaker, our dear friend and great majority leader, Hale Boggs, was born on February 15, 1914. Graduated Phi Beta Kappa from Tulane University in 1935 and received his law degree in 1937. He was elected to the House of Representatives in 1940 and was the youngest Democrat in the 77th Congress. Served 3 years as an officer in the U.S. Naval Reserve until January 1946. After the war, he was again elected to Congress, and was reelected to each successive Congress until his tragic death.

His years in Congress were marked by qualities of determination and leadership. He was deputy Democratic whip in the House from 1957 to 1961. Democratic whip from 1962 to 1970, and House majority leader from 1971 until his death. He served with distinction as a member of the House Ways and Means Committee, Committee on Elections, Subcommittee on Highway Financing, Joint Economic Committee, Subcommittee on Foreign Trade Policy, and the Joint Committee on Internal Revenue Taxation.

He distinguished himself not only as an effective leader but as a brilliant legislative tactician; able to bring reason and compromise to some of the most difficult issues of our time.

He was a member of the Beta Theta Pi academic fraternity, the Omicron Delta Kappa leadership fraternity, and the Phi Beta Kappa scholastic fraternity. The American Bar Association, the Roman Catholic Church, the New Orleans Association of Commerce, Sons of the American Revolution, the American Legion AMVETS, and the Knights of Columbus.

Devotion, love of country, and loyalty are just some of the remarkable qualities that he adhered to throughout his lifetime of public service.

The committee believes it fitting and proper to name the U.S. courthouse and Federal office building the "Hale Boggs Federal Building," as a tribute to this distinguished legislator and outstanding individual.

Mr. BLATNIK. Mr. Speaker, I rise in support of H.R. 9430, a bill to name the U.S. courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building."

Hale Boggs was indeed one of the most outstanding leaders in the history of our Congress. He was elected to the House of Representatives in 1940 and was the youngest Democrat in the 77th Congress. During World War II he served for 3 years as an officer in the U.S. Naval Reserve and in 1946 was again elected to Congress and subsequently reelected to each succeeding term until his disappearance in October of 1972.

His years in Congress were marked by qualities of determination and leadership. He distinguished himself as an astute parliamentarian and legislator. As a master strategist and brilliant speaker, he possessed the rare ability to transform the most heated controversial issues

into rational discussions, bridging factional chasms and earning the highest respect and esteem of colleagues.

Hale Boggs was unsurpassed in devotion to family, loyalty to friends, consideration of colleagues, and adherence to high principles throughout his lifetime. I believe it would be most fitting to pay tribute to Hale Boggs by naming the Federal building in his honor.

May I add a personal note to this well deserved tribute to my dear colleague and friend. It was my privilege to serve with Hale Boggs during his career in the U.S. Congress. I worked closely with him on many important legislative matters, among others the implementation of the Federal-Aid Highway Act of 1956.

Hale Boggs was a fine, warm human being, devoted family man, and truly an outstanding example of what should be the best in a Congressman. I have missed him since his departure, and I will continue to miss him in the years to come. The work he did during his years of service in the Congress will remain a continuing living memorial to him.

Mrs. BOGGS. Mr. Speaker, I rise to express my heartfelt gratitude to the Members of this body and especially to the sponsors of H.R. 9430 for this splendid remembrance of Hale's effective service to our Nation. He would concur in my remarks that praise from his beloved colleagues in the House is the highest honor he could receive.

Hale would be especially pleased that this new Federal building will bear his name. It is a magnificent edifice situated in an inner city area bursting with revitalization plans where it will always represent Hale's steadfast belief that government, private enterprise and a concerned citizenry working together can provide an ever expanding high quality of life for all Americans.

In addition, this new Federal building is located next door to his good and loyal friends in the Fifth Circuit Court House; across Lafayette Square on one side from his own district office of many years, on another from the old Times-Picayune Building where he worked in many capacities to earn his tuition while attending Tulane University and on the other from the old city hall one of our national treasures designed by the famed architect James Gallier, and only a stone's throw down Camp Street from St. Patrick's Church, the original roof of which was donated by his great great grandfather in 1835 and where Hale often worshiped.

Hale's mother, his brothers and sisters, our children and grandchildren, his faithful friends and loyal constituents will be grateful to you each time we pass this handsome structure standing as his enduring monument in this most appropriate setting.

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

Mr. GRAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 2178) to name the United States courthouse and Federal office building under construction in New Orleans, La., as the "Hale Boggs Federal Building," and for other purposes.

The Clerk read the title of the Senate bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I will ask the same question I asked before.

Mr. GRAY. Mr. Speaker, I shall give the same answer. The gentleman is absolutely correct.

Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield, of course.

Mr. GRAY. Mr. Speaker, I stand corrected.

The motion which I intend to make now to the Chair will add two amendments adopted by the Senate. Both of them are perfecting amendments.

When we passed the Dwight Eisenhower Civic Center building, we gave the wrong address on it, and that applied to the Karl Mundt Federal Building in South Dakota.

The other amendment is this: Our very distinguished former colleague, the gentleman from California, Mr. Smith, had a building named after him, and he asked the committee to withdraw the request.

Mr. Speaker, the two Senate amendments are merely correcting amendments.

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

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

There was no objection.

MOTION OFFERED BY MR. GRAY

Mr. GRAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GRAY moves to strike all after the enacting clause of H.R. 9430 and insert in lieu thereof the provisions of S. 2178, as follows:

S. 2178

An Act to name the U.S. courthouse and Federal office building under construction in New Orleans, Louisiana, as the "Hale Boggs Federal Building", and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States courthouse and Federal office building now under construction at the corner of Camp Street, bounded by Poydras Street, Lafayette Street, and Magazine Street, New Orleans, Louisiana, shall hereafter be known and designated as the "Hale Boggs Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Hale Boggs Federal Building".

The motion was agreed to.

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

A similar House bill (H.R. 9430) was laid on the table.

EARLE CABELL FEDERAL BUILDING

The Clerk called the Senate bill (S. 2503) to name a Federal office building in Dallas, Tex., the "Earle Cabell Federal Building."

There being no objection, the Clerk read the Senate bill as follows:

S. 2503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building and United States courthouse at 1100 Commerce Street, Dallas, Texas, shall hereafter be known and designated as the "Earle Cabell Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Earle Cabell Federal Building.

Mr. BLATNIK. Mr. Speaker, I rise in support of S. 2503, a bill to name the Federal office building in Dallas, Tex., in honor of the distinguished former member of the House of Representatives, Earle Cabell.

Prior to coming to Congress, he received wide recognition for his success as a civil leader and for his many humanitarian efforts. He was elected mayor of Dallas in 1961 and then elected to Congress in 1964 and was reelected to each successive Congress through the 92d.

During his years in the Congress he served progressively on the Committee on Science and Astronautics and the Committee on the District of Columbia. He is universally respected and loved by his colleagues and constituents.

During his entire career in public office he remained responsive to the needs and wishes of his constituents, working tirelessly in the interests of the State of Texas, as well as the Nation. I believe it would be most fitting to name the Federal building in honor of Earle Cabell.

Mr. WHITE. Mr. Speaker, it was my honor, privilege, and pleasure to be associated with the Honorable Earle Cabell for 8 years as a Member of the Texas delegation to the U.S. House of Representatives. Since we arrived together as freshmen Members of the 89th Congress, we shared the natural affinity of struggling beginners. This common bond allowed a closer than normal scrutiny of his actions on my part, and I was, therefore, most aware of a brilliantly developing legislative career. Earle Cabell's record in behalf of his constituency, his State, and his country was one of singular accomplishment as was his record in behalf of the city of Dallas during his tenure as mayor. I strongly support the legislation to commemorate his public service record to generations of the future by naming the U.S. Federal courthouse in Dallas County after him.

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

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the four bills just passed.

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

There was no objection.

NATIONAL MEDALS TO HONOR THE LATE J. EDGAR HOOVER

The Clerk called the bill (H.R. 1817) to provide for the striking of national medals to honor the late J. Edgar Hoover.

There being no objection, the Clerk read the bill as follows:

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the late J. Edgar Hoover, the Secretary of the Treasury (hereafter referred to as the "Secretary") shall make available medals in accordance with this Act. The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, shall be made of such materials, and shall be made in such quantity, as the Secretary may determine.

SEC. 3. The Secretary shall cause such medals to be struck, and he shall cause them to be sold to the general public, under such rules and regulations as he may provide, at a price not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses.

Mrs. SULLIVAN. Mr. Speaker, as House Report 93–666 points out, the Bureau of the Mint now issues for public sale a variety of national medals honoring great events or outstanding individuals in our Nation's history. Thousands of these medals are purchased each year by serious collectors of national medals and also by school children, particularly when they come to Washington to tour the national shrines and visit the numismatic display in the Treasury Department after going through the White House, or in visiting the Philadelphia or Denver Mints or the San Francisco Assay Office. Some of the medals included in the Treasury's series of "list medals" go back to the earliest days of our country's struggle for independence, and are reissued from time to time from the original dies or designs.

I might add that these medals are sold at prices sufficient to recover all costs of manufacture and distribution. The General Accounting Office made a survey of costs in the Bureau of the Mint in striking medals to make sure all costs of manufacture were recovered, including the estimated or pro rata costs of labor, materials, dies, use of machinery, and overhead expenses; as a result, the Bureau of the Mint revised upward many of the prices it had been charging. I should further point out that medals are struck only when this does not interfere with coinage operations. The same skills required in designing and producing coins and coin dies and in striking coins are also utilized in the production of medals.

The bill H.R. 1817, to strike a medal honoring the late J. Edgar Hoover and to include it in the series of Treasury list medals available to the public through the Bureau of the Mint, was introduced by the Honorable WILBUR MILLS of Arkansas and was generally supported in hearings of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency when we held hearings on all pending coinage and commemorative medals bills earlier this year.

Director Hoover's nearly half-century of service to our country as head of the Federal Bureau of Investigation placed him in a unique situation among all of the public officials who have served this Nation. I think it would be particularly appropriate, if this legislation becomes law, for those who served under Mr. Hoover in the FBI to arrange with the Secretary of the Treasury to finance the cost of a special strike of this medal of gold or other precious metal to be placed in the new J. Edgar Hoover Building now being constructed across from the Justice Department. However, I want to emphasize that there is no provision in this legislation to strike such a medal at public expense.

Mr. Speaker, H.R. 1817 was unanimously approved by the Subcommittee and the full Committee. It was endorsed during our hearings in testimony by the Treasury and the Bureau of the Mint, by the president of the American Numismatic Association, and by the editor of Coin World newspaper and the publisher of Numismatic News. There would be no net cost to the Treasury in striking these medals. I urge approval of H.R. 1817.

Mr. MILLS of Arkansas. Mr. Speaker, today it seems particularly fitting and proper to consider H.R. 1817, a bill to authorize the striking of a commemorative medal to honor the late J. Edgar Hoover.

Appropriate first because in these days as we prepare for the celebration of our Nation's 200th anniversary, J. Edgar Hoover symbolized the foremost ideal of the patriotic public servant envisioned by those founders of our democracy to lead the New Republic; and

Appropriate because in these beclouded days of our national history testing the credibility and integrity of public service he so clearly reflected the honest and unquestioned integrity and dedication to the fundamental principles of a government by law.

J. Edgar Hoover assumed the direction in 1924 of an organization that was in severe disfavor with the public and with the executive and legislative branches of Government. He labored quietly and—some say—doggedly to eliminate every taint of corruption, every vestige of inefficiency.

Under his direction, the only direction known by the FBI until his death, that organization became a symbol to law enforcement agencies throughout the Nation of the excellence and respect for individual liberty that could be attained through a unique professionalism and rigid devotion to duty.

Twenty-six years after he assumed the leadership of the FBI, a spokesman for the American Civil Liberities Union, the organization most widely recognized as guardian and protector of individual civil liberties, wrote:

All evidence indicates that the FBI as a matter of unvarying policy has played fair with criminals and suspects. The FBI is unique in the history of national police. It has a magnificent record of respect for individual freedom.

Perhaps today more clearly than before, events bear witness to the fact that this intense dedication to law and liberty was the result of this uncommon man, not of the system he led.

In his last message to law enforcement officials he seemed to be warning of the potential misuse of power and abuse of the law which recent months have revealed, when he wrote:

[T]he process of change in a democracy requires discipline and responsibility that will not unleash unrestrained forces that would rip the fabric of our freedoms. That fabric derives its strength through the warp and woof of laws that orderly guide the process of change by defining our individual and corporate duties. Change in our society would otherwise simply result from those who could impose their will on others without regard for the validity of their arguments or the rights of those who do not share their views.

Mr. Speaker, this bill not only commemorates the uncommon man, it commemorates that uncommon devotion to law and duty which this Nation so urgently seeks today. And certainly it reflects in the strongest sense the guidelines established by the Subcommittee on Consumer Affairs and the Bureau of the Mint that a medal should honor only those persons whose superior deeds or achievements have embellished our history or who are representative of the finest of accomplishment in service to the Nation.

Mr. Speaker, no man more at this time in our history exemplifies the attributes of accomplishment in service to the Nation and in dedication to the principles of law and liberty than J. Edgar Hoover.

I urge the unanimous consent and support of this bill by the Members of the House and compliment the distinguished chairman of the subcommittee (Mrs. SULLIVAN) and the members of that subcommittee for their efforts in reporting this bill.

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

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the passage of H.R. 1817 to strike national medals honoring the late J. Edgar Hoover.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 11459, MILITARY CONSTRUCTION APPROPRIATIONS

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 11459) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1974, and for other purposes.

The SPEAKER. Is there objection to

the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file a privileged report.

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

There was no objection.

CONFERENCE REPORT ON H.R. 6768, UNITED NATIONS ENVIRONMENT PROGRAM

Mr. FRASER. Mr. Speaker, I call up the conference report on the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment program, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 15, 1973.)

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

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

Mr. GROSS. Mr. Speaker, reserving the right to object, are there any copies of the conference report available?

Mr. FRASER. I have a copy here which the gentleman from Iowa may use. Yes, Mr. Speaker, I have several copies here.

Mr. GROSS. Mr. Speaker, will the gentleman take a minute or two to give us a brief explanation of what transpired in the conference?

Mr. FRASER. Yes; I shall be happy to do that.

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

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

There was no objection.

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

Mr. Speaker, this is the bill that was requested by the administration to provide for an authorization for the newly established United Nations Environment Fund.

H.R. 6768 was approved by the House May 15, 1973. The bill was taken up by the Senate and approved on June 8, with an amendment deleting the provision of the House bill which prohibited use of any funds for North Vietnam.

The conference report follows the outlines of the Senate bill. There is no change in the amount proposed to be authorized—$40 million, of which $10 million would be available in fiscal year 1974.

The only change is the deletion of the amendment to the House bill which was approved on the floor and which relates to North Vietnam.

The Senate conferees argued that none of the funds in the bill would be spent in North Vietnam in any case because North Vietnam was not a member of the United Nations or any of the specialized agencies and, therefore, does not benefit from any of their programs.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

NIXON CRISIS

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

Mr. DENHOLM. Mr. Speaker, yesterday, Senator PROXMIRE allegedly spoke for the Democrats in a statement to the American people on the so-called energy crisis. The Senator did not speak for me. The distinguished Senator failed to recognize the difference between an alleged "energy crisis" and the reality of a "Nixon crisis." There is a difference between the two. The Congress can correct the so-called energy crisis and only the President can right the wrong of the Nixon crisis.

It is long past the time that this Congress should realize that we can not legislate "good faith" for men that have none any more so than a court can litigate larceny from the hearts of "buggers," burglars, bankrobbers, convicts and criminals.

It is clear that the Congress must act and not react if the so-called energy crisis is to be solved. It is time that we act and act on constructive—positive policies for programs of the future. This is a time for positive leadership—not partisan reaction. Let us separate politics from policy and there will be sufficient petroleum products for all.

ABOUT $77 BILLION OF DEBT LIMIT

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

Mr. PATMAN. Mr. Speaker, there is great excitement because the Congress has not yet completed work on another of the frequent increases in the ceiling for the national debt.

If the Congress would face up to its responsibility, there would be no need for an immediate change in the debt ceiling. Almost $77 billion of this $462 billion debt is pure, unadulterated fiction. It represents bonds which reside in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank.

Mr. Speaker, these are bonds which have been paid for once and they should be cancelled and subtracted from the national debt that would reduce our national debt below $400 billion from its present size of $462. Again, let me repeat, this $77 billion is pure fiction and it is not a proper item to be counted as part of our national debt.

The Federal Reserve is an agency of the Federal Government and the Federal Government does not owe it $77 billion for bonds which have been paid for once. As this House well knows, the Federal Reserve draws almost $4 billion annually in interest on these paid-up bonds and this slush fund allows the Federal Reserve System to operate on its own without coming to Congress for appropriations which is in violation of the Constitution of the United States.

The Ways and Means Committee, which handles the debt ceiling legislation for the House, is well aware of the nature of these paid-up bonds and it should take the initiative and see that they are canceled and subtracted from the debt. The Senate filibuster could continue indefinitely without concern about the debt ceiling if we handled these Federal Reserve matters in a proper and legal manner. Please read my remarks on this subject on another page of this RECORD.

LACK OF PLANNING ON RATIONING HURTS OUR ECONOMY

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

Mr. OBEY. Mr. Speaker, the Sunday closing of gas stations called for by the administration will cripple the winter tourist industry if it is not balanced by other governmental actions.

In Wisconsin, tourism is a $2 billion a year industry employing 400,000 people, producing $300 million a year in State and local revenues, and rivaling agriculture as the State's second largest industry.

If the administration sticks by its plans to ban Sunday gasoline sales it ought to consider providing government assistance to help recreational businesses meet mortgage payments, or there will be wholesale bankruptcies in this vital industry.

Furthermore, steps must be taken to create new government incentives for better public transportation to recreation areas. Many tourism and recreation-related businesses tend to be marginal financial operations to begin with, being short of capital and long on monthly mortgage payments. A long-term setback like this will drive hundreds of small Wisconsin businesses into bankruptcy, and Wisconsin is not alone.

It does not make much sense for the Government to pour economic development money into the Nation's tourism industry with one hand while the other hand helps do in that same industry by its energy recommendations.

Obviously, without proper administrative safeguards gasoline rationing can become a nightmare of inequity, but rationing can be a whale of a lot better than huge tax increases on gasoline or patchwork approaches which create unfair burdens for unfortunate and overlooked segments of the economy. Any plan which places its major reliance upon

increases in the gas tax will keep the average citizen off the road while the rich guy can buy his way from town to town simply because he can afford to do so.

There are going to be hardships all around in the energy crisis—many more than people are willing to face. The Government has an obligation to spread those hardships around in such a way that they will not fall unfairly on some groups of Americans simply because they cannot pay the price.

GOVERNMENT MUST SERVE THE PUBLIC INTEREST, NOT THE OIL CONGLOMERATES AND INVESTMENT BANKERS

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

Mr. HECHLER of West Virginia. Mr. Speaker, every day big business tightens its fingers around the throats of the American people.

Every day, the Nixon administration puts more power and control into the hands of the oil conglomerates, the investment bankers and those who already have a monopoly of economic power.

Last week, it was announced that 250 retired corporate oil executives are being put on the Federal payroll to help run the oil allocation program.

Today, we hear that Deputy Secretary of the Treasury William E. Simon is being tapped to run the big new super Federal Energy Agency. Who is William Simon? Before joining the Government a couple of years ago, he had spent his life in the investment banking business, as assistant vice president of Union Securities Co. in New York; vice president of Weedon & Co., a general investment concern, and since 1964 as a member of the board of directors and chairman of government and municipal securities with Salamon Bros.

Mr. Speaker, when is President Nixon going to realize that this Nation belongs to over 200 million people, and not to the big oil corporations and investment bankers?

It is about time the people of this Nation recaptured control of their Government, and demand that Government serve the public interest instead of corporate privilege and special interests.

PRESIDENTIAL POWERS IN EMERGENCY FUEL ALLOCATION

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

Mr. ROUSSELOT. Mr. Speaker, I would like to ask the gentleman from West Virginia (Mr. HECHLER) who just spoke about the great crisis that we face, if the gentleman voted for the Emergency Petroleum Allocation Act?

Mr. HECHLER of West Virginia. Mr. Speaker, if the gentleman would yield, yes, I did.

Mr. ROUSSELOT. You did.

Mr. Speaker, I appreciate the candid answer given by the gentleman from West Virginia. Then the gentleman from West Virginia was one who gave all of that power to the President that the same gentleman now abhors, and for which he protests so vigorously. Mr. Speaker, it constantly amazes me that so many of those Members of this body who are now complaining so publicly about the misuse of power by the President during "the energy crisis" are the very ones who voted to give him those broad powers. Some of us did not and tried to warn in advance of the consequences.

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

A PERMANENT NATIONAL DEBT LIMIT

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

Mr. MALLARY. Mr. Speaker, we are faced this morning with the sorry sight of the greatest Nation on the face of the globe being unable to pay its bills or refund its debts. It is a sad commentary on the wisdom of this Congress that we will permit the continued existence of a process by which one person, or a minority of the Members of one of our Houses may tie up the functioning of Government and jeopardize our Nation's credit.

Mr. Speaker, I submit that the game we play of having a temporary debt limit totally unrelated to the facts of national economic life which must be raised or renewed twice or more each year is the cause of this most recent crisis. How can we call for public confidence in the institutions of Government when we will not face this honestly and adjust the debt limit on a permanent basis?

Mr. Speaker, let me remind all the Members again that we alone created this situation and we can easily avoid it by the simple step of making our national debt limit permanent when next we have that opportunity in June of 1974.

CONGRESSMAN DOMINICK V. DANIELS EULOGIZES BEN-GURION

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

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise today to express my most profound sorrow at the passing of one of the giants of our age. This weekend David Ben-Gurion, one of the founders of the modern State of Israel, passed away and with his death another link is lost with the generation who took a dream and made it into reality.

Yesterday there were long lines when the Knesset opened the morning as all of Israel seemed to have come to pay tribute to one of its greatest men. Indeed before nightfall, more than 200,000 persons, an amazing 10 percent of the total population, had passed his bier.

Mr. Speaker, I would like to add my own voice to those who have already paid tribute to Ben-Gurion and the voice of all the people of the 14th Congressional District in expressing our sympathy to the people of Israel.

Ha'zaken will never be forgotten so long as men and women can cherish a dream come true. May God bless his memory.

PERSONAL EXPLANATION

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

Mr. DANIELSON. Mr. Speaker, on Thursday, November 29, I was compelled to leave the floor in the late afternoon, before adjournment, and was absent Friday, November 30. Accordingly I missed rollcall Nos. 605–613. If I had been present I would have voted as follows:

THURSDAY, NOVEMBER 29, 1973

Rollcall No. 605: Dellums amendment to H.R. 11575, 1974 Department of Defense Appropriations, which sought to increase by $1.25 million funds available for race relations training in the Army, Navy, and Air Force, which had been cut by the committee. Failed, 178 to 226. Suggested vote: "yea."

FRIDAY, NOVEMBER 30, 1973

Rollcall No. 607. Wyman amendment to DOD appropriations bill that sought to strike language providing that not more than $851.6 million be available for repair, alteration, and overhaul of vessels in naval shipyards. Failed 170 to 203. Suggested vote: "yea."

Rollcall No. 608. Addabbo amendment to DOD appropriations bill which sought to require that of the total appropriations made available by the act, $3.5 billion be available only from pipeline funds left over from prior years. Failed 118 to 250. Suggested vote: "yea."

Rollcall No. 609. Giaimo amendment to DOD appropriations bill sought to place a ceiling on military personnel of 2,157,902, a reduction of end troop strength of 22,000. Failed 160 to 210. Suggested vote: "yea."

Rollcall No. 610. Final Passage of H.R. 11575, Department of Defense appropriations for fiscal 1974. Passed 336 to 23. Suggested vote: "yea."

Rollcall No. 612. Amendment to H.R. 11576—1974 Supplemental Appropriations—offered by GONZALEZ which sought to raise by $35 million the funds appropriated for State vocational rehabilitation programs from $615 to $650 million. Failed 160 to 164. Suggested vote: "yea."

Rollcall No. 613. Final passage of H.R. 11576 making supplemental appropriations for the fiscal year 1974. Passed 295 to 130. Suggested vote: "yea."

PROPOSAL TO INCREASE SENATE SELECT COMMITTEE SUBPENA POWERS

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

Mr. McCLORY. Mr. Speaker, later in the Suspension Calendar today there will be a measure brought up with regard to expanding the subpena authority of the Senate Watergate Select Committee. It

seems in this flurry of interest in the activities of this Senate committee that all kinds of extraordinary legislation are justified or become necessary in order for them to carry on what they deem to be their role.

I think the fact that we have been able to survive for almost 200 years without this kind of extraordinary legislation suggests that this special measure is not justified. I hope the bill (S. 2641) will be considered on its merits, and not be deemed valid simply because it seems to be popular to support anything that comes out of the Senate Watergate Committee.

I will present extended debate at the time that the bill is called up. I think it is No. 4 on the Suspension Calendar.

AMENDING THE WILD AND SCENIC RIVERS ACT

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4864) to amend the Wild and Scenic Rivers Act, as amended.

The Clerk read as follows:

H.R. 4864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906), as amended (16 U.S.C. 1271–1287), is further amended as follows:

(a) Section 7(b)(i) is amended by:

(i) deleting "five-year" and inserting in lieu thereof "ten-year".

(ii) deleting "publish" and inserting in lieu thereof "notify the Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate in writing, including a copy of the study upon which his determination was made, at least one hundred and eighty days while Congress is in session, prior to publishing".

(b) Section 15(c) is amended by deleting "scenic view from the river," and inserting in lieu thereof "scenic and natural qualities of a designated wild, scenic, or recreational river area,".

(c) Section 16 is amended as follows:

(i) delete "$17,000,000" and insert "$37,600,000".

(ii) redesignate "SEC. 16." as "SEC. 16. (a)" and insert "(b) The authority to make the appropriations authorized in this section shall expire on June 30, 1978".

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from North Carolina (Mr. TAYLOR) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SKUBITZ) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, the legislation now before the House is H.R. 4864—a bill to amend the Wild and Scenic Rivers Act of 1968. This legislation is the outgrowth of a proposal submitted to the Congress by the Secretary of the Interior earlier this year. To my knowledge, there is no opposition to it.

BACKGROUND AND EXPLANATION OF THE LEGISLATION

As many Members of the House will recall, the 90th Congress enacted legislation which designated eight rivers in different parts of the country as components of the wild and scenic rivers system and provided for the study of 27 others as potential additions to that system.

AUTHORIZATION INCREASE

At that time, it was impossible to know what the ultimate land costs would be for the initial components of the system, because detailed cost data had not been developed with respect to any of the many rivers then being suggested for inclusion. Based on the best information then available, the House approved the authorization of $17,340,000 for the six rivers which it had included; however, the conferees recommended the inclusion of eight rivers and reduced the authorization to $17 million.

In making this recommendation, the conferees noted in their report:

The amount authorized to be appropriated for land acquisition has been reduced from $17,340,000 to $17 million, it being understood that if escalation of land prices or other unforeseen factors require the appropriation of more than this amount, the two Committees on Interior and Insular Affairs will be willing to consider such further legislation as is necessary to carry out the act.

Now the departments have had experience with these scenic river acquisition programs and can more accurately project what the final costs will be. According to the information which has been supplied to the committee, the existing authorization has nearly been exhausted and further acquisition activities must be held in abeyance unless and until additional authority is granted. Current estimates indicate that an additional $20.6 million will be needed to complete the land acquisition programs at the eight initial components of the system.

MORATORIUM EXTENSION

Much more detailed data was required on the 27 "study rivers" contained in the act so that cost estimates for them should be much more realistic. These comprehensive studies develop information upon which the Congress can make an informed judgment as to the wisest and best use of these natural resources. They take time. I am glad to report that progress is being made on the studies, but many of them have not yet been completed. Under the terms of the original act, a moratorium on water resource development projects on the study rivers was imposed for a term of 5 years. That moratorium ended on October 2. Unless it is extended, it is conceivable that some water resource projects might be initiated which would effectively preclude the Congress from considering whether a river qualifies for, and should be included in, the Wild and Scenic Rivers System. H.R. 4864 would amend the act to extend the moratorium for 5 additional years.

CONGRESSIONAL REVIEW OF NEGATIVE FINDING

It should be pointed out that, if a determination is made that any of the study rivers are determined to be unsuitable for inclusion in the system, while the study is underway, then by publication of notice to that effect in the Federal Register, the Secretary of Interior or Agriculture could remove that river from the study category and thereby terminate the moratorium. The committee felt that the Congress should have an opportunity to review such a negative finding before it would become effective. It recommended that the legislation be amended to require a 180-day period for committee review of the study and findings before any study river is removed from the protections afforded it under the study section of the act.

DEFINITION OF "SCENIC EASEMENT" REVISED

Finally, based on experience with the act, it has been found that the definition of "scenic easement" is too restrictive and the committee recommends that it be broadened to include protection of the qualities of the river rather than being limited strictly to lands that can be seen from the river.

RECOMMENDATION AND CONCLUSION

That, Mr. Speaker, briefly explains the background and purpose of H.R. 4864, as recommended by the Committee on Interior and Insular Affairs. It is not a complicated bill and, as far as I know, it is not a controversial one. It is a straightforward approach to deal with some realities which we face with this program.

I urge the adoption of the bill, as amended by the committee.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I rise in support of H.R. 4864, a bill to amend the Wild and Scenic Rivers Act of 1968. This bill was initiated by the administration as a component of the President's environmental package, and its basic thrust upon introduction and as subsequently amended is to extend certain provisions of the 1968 Act and to further perfect that act so as to help assure that the American people can, in perpetuity, enjoy the benefits of the few remaining natural and free-flowing streams across our Nation.

The United States has been a pioneer in this matter of protecting important remnants of naturalness along its streams by the formal creation of a system of wild and scenic rivers. The program is not only a most worthy one for the benefit of our people, but it also provides a working model for study, emulation, amplification, and perfection by other countries which are also striving to protect worthy segments of their natural environment.

The bill before us extends protection to numerous study rivers listed in the parent act for an additional 5-year period, by which time their suitability for possible addition to the river system should be determined by completed studies. The bill provides authorization for additional funding to complete the land acquisition program for the eight original rivers included in the system, and also provides an incentive for that acquisition program to be completed promptly.

The bill incorporates an extended period for the Congress to act upon any study report which discloses the nonsuitability of a study river for addition to the system, before the river is released from its protective study status. The bill also broadens the applicability of the use of scenic easements along the rivers.

All of the provisions of this amending legislation are designed to improve and perfect the wild and scenic rivers system which was created by the Congress in 1968. I urge my colleagues to fully support this bill.

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

Mr. Speaker, in 1968 the Congress inaugurated an important and novel conservation step when it enacted the Wild and Scenic Rivers Act.

The Congress recognized that the proliferating activities of mankind along and adjacent to our streams and rivers, would eventually eliminate their natural, wild, and free-flowing character—unless legislative action was taken to prevent their destruction.

So under the 1968 act, eight free-flowing stream segments were designated and protected as wild and scenic in character, and were to form the backbone of a system of wild and scenic rivers.

The act also listed 27 additional river candidates considered worthy of further study, in anticipation of their possible addition to a growing system of wild and scenic rivers to be protected.

The 1968 act provided that while these 27 listed study rivers were being reviewed, they would be protected for a period of 5 years from the threat of water development projects as might be licensed by the Federal Power Commission under terms of the Federal Power Act.

With the studies on these 27 rivers not yet completed, the legislation before us provides an extension period of protection for an additional 5 years.

The 1968 act also provides that if it is concluded by the Secretary of the Interior or Agriculture, that a study river does not qualify for addition to the system, it then immediately loses the protection from water development projects which it enjoyed while in study status.

This bill, H.R. 4864, provides that upon such determination by a Secretary, he must so advise the authorizing committees of the Congress.

Then, 180 days—while Congress is in session—must elapse before notification of such determination of nonsuitability is published in the Federal Register.

This procedure, it was felt by the committee, should be provided so as to provide ample time for the Congress to act upon any negative study findings, before any stream is stripped of its study status protection.

This legislation broadens the definition of scenic easement as used in the parent act. Currently the application of scenic easements extends only to those lands within the river boundaries and visible from the river.

Since many activities which are not within sight of the river can be as impacting as those activities occurring within sight of the river this legislation seeks to broaden the definition of scenic easement so as to permit its application to any area within the river boundaries where the scenic qualities of the river are jeopardized or threatened.

Finally, this bill would authorize an additional $20.6 million to fund the completion of the land acquisition program for the original eight rivers which were designated as units of the system upon enactment in 1968.

Mr. Speaker, this bill, H.R. 4864, as introduced, was part of the President's environmental legislative program.

The few simple amendments added by the committee simply round out and perfect the Wild and Scenic Rivers System. I am proud to fully endorse this legislation, and I urge its adoption by my colleagues.

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

Mr. SKUBITZ. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, I find it a little difficult to determine which rivers have been added. Are there any projects added in either Kansas or Missouri? Does the gentleman have any list There may be two or three included for further study?

Mr. SKUBITZ. The gentleman will find the rivers that are listed are on page 4 of the report.

Mr. RANDALL, Well, that may be but there is no listing in the bill itself.

Mr. SKUBITZ. That is correct.

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

Mr. SKUBITZ. I yield to the gentleman from Alaska.

Mr. STEELMAN. Mr. Speaker, I commend the ranking minority Member, the gentleman from Kansas, for his comments and associate myself with his comments.

The Wild and Scenic Rivers Act is one of the outstanding pieces of environmental legislation passed by the U.S. Congress. I heartily support its amendment today and only hope that further understanding of all the ramifications of the act will lead to a greater expansion of the list of streams designated "scenic" or "recreational," as well as "wild."

I believe that few thoroughly understand the broad definitions of the various designations within this act, and among those aware of the act itself, many feel that an entire river must be designated "wild." That is not the case and possibly the reason that even more segments have not been advanced for inclusion under this act.

To date over 20 States have established wild and scenic rivers programs on their own. I hope that we can work in coordination with these and other States to acquaint citizens with the full extent of the Wild and Scenic Rivers Act so that there will be a reappraisal of all our streams and stream segments for designation as "scenic," "recreational," "study," "wild." And I encourage all citizens to push for inclusion of additional rivers and river segments under this act as soon as possible.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 4864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 921) to amend the Wild and Scenic Rivers Act, and ask for immediate consideration of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906) is amended as follows:

(a) In section 7(b)(i) delete "five-year" and substitute "ten-year".

(b) In section 16 delete "$17,000,000" and substitute "$37,600,000".

(c) In section 6(a) strike the comma after "donation" and insert in lieu thereof "or exchange,".

(d)(1) In section 4 strike subsection (a) and insert in lieu thereof the following:

"SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or nonsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 5(a) (1) through (27) of this Act within three complete fiscal years after the date of enactment of this amendment: *Provided, however,* That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the Congress prior to October 2, 1970. With respect to any river designated for potential addition to the national wild and scenic rivers system by Act of Congress subsequent to this Act, the study of such river shall be completed and reports made thereon by the President to the Congress within three complete fiscal years from the date of enactment of such Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

"Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area;

the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document."

(2) In section 5 strike subsection (b); and reletter subsections (c) and (d) as (b) and (c), respectively.

(3) In section 7(b)(i) strike all after "Act" and insert in lieu thereof "or the three complete fiscal year period following any Act of Congress designating any river for potential additional to the national wild and scenic river system, whichever is later, and"

(4) In section 7(b)(ii) strike "which is recommended", insert in lieu thereof "the report for which is submitted", and strike "for inclusion in the national wild and scenic rivers system".

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of North Carolina: Strike out all after the enacting clause of S. 921 and insert in lieu thereof the provisions of H.R. 4864, as passed.

The amendment was agreed to.

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

A similar House bill (H.R. 4864) was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to revise and extend their remarks immediately before passage of H.R. 4864.

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

There was no objection.

DESIGNATING CHATTOOGA RIVER AS COMPONENT OF NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9492) to designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:

"(10) CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA.—The segment from 0.8 mile below Cashiers Lake in North Carolina to Tugallo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles, as generally depicted on the boundary map entitled 'Proposed Wild and Scenic Chattooga River and Corridor Boundary, dated August 1973; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act within one year from the date of enactment of this Act: *Provided further*, That for the purposes of this river, there are authorized to be appropriated not more than $2,000,000 for the acquisition of lands and interests in lands and not more than $809,000 for development.".

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it gives me a great deal of pride to bring to the floor of the House a bill involving an area which is partially in my home State of North Carolina. H.R. 9492, which I cosponsored with my friends the gentlemen from South Carolina (Mr. DORN and Mr. MANN) and the gentleman from Georgia (Mr. LANDRUM) would add the Chattooga River and a portion of its West Fork to the wild and scenic rivers system.

BROAD SUPPORT

Usually, when we have bills of this kind, they have broad support, but sometimes they are controversial. In this case, practically everyone supports the designation of this river as a unit of the wild and scenic rivers system. The Departments of Agriculture and Interior, speaking for the administration, have given it their strong endorsement. The legislatures of all three States have approved resolutions recommending the inclusion of the river into the system. Most importantly, the public support for this legislation is practically unanimous.

Two public meetings were conducted by the Forest Service in the region involved and those who attended strongly supported the proposal. At the hearings of the Subcommittee on National Parks and Recreation, everyone testifying on the legislation spoke in favor of its enactment, and it was recommended by the subcommittee and the full Committee on Interior and Insular Affairs without a dissenting vote.

In short, Mr. Speaker, I know of no significant opposition to the enactment of H.R. 9492, as recommended. On the contrary, I believe it enjoys enthusiastic support from almost all quarters. Environmentalist and conservation organizations have endorsed it; all of the Members whose districts are involved have cosponsored it; and the States through which it flows have recommended it.

DESCRIPTION

The reason that this river has such broadly based support is that it is recognized as one of the most outstanding free-flowing streams remaining in the Southeast. It begins on the crest of the Blue Ridge Mountains of North Carolina—in the congressional district which I have the honor to represent—and flows through some spectacular, primitive mountain country before flowing down along the South Carolina-Georgia boundary. The river is free of impoundments and only a few relatively insignificant evidences of man can be seen anywhere along its main stem.

It is a dramatic river from its headwaters to Tugaloo Reservoir. For 50 miles, it drops an average of about 50 feet per mile from its upper reaches to the lower end. It includes several beautiful waterfalls, churning rapids and shoals challenging the most experienced whitewater enthusiasts, and occasionally calm stretches and minor ripples suitable for novice canoeists. The water quality of the entire river is extraordinarily high and it provides a fine habitat for mountain trout to delight the many fishermen who come to enjoy the stream.

Located in an area with most of the characteristics of wilderness, the river is free of any significant or unsightly intrusions by man. The surrounding country is almost as rugged as the river is wild and it represents, by itself, an important recreational resource for hikers and outdoor recreationists of all kinds.

VISITATION, SAFETY AND MANAGEMENT OF THE AREA

Of course, such an area is a popular attraction to those living nearby. Many of the local people know the river well and understand its dangers, but for people not familiar with it the river can be very hazardous. Notwithstanding this fact many people accept the challenges which it offers without knowing the dangers involved.

Many people have visited the area in past years, but the numbers coming into the area since the movie "Deliverance" was filmed on the river, has increased dramatically. One knowledgeable witness told the committee that it is estimated that as many as 15,000 people traveled down the river this year. Many of these utilize the services of guides and river runners who are familiar with its hazards. To my knowledge, they have never experienced a fatal accident. Unfortunately, some who come are more daring and they can quickly get into difficulties from which they cannot easily extricate themselves.

While the enactment of this legislation might encourage more people to come, it will also permit the Forest Service to establish safety programs for those who do come. At the present time, the Forest Service has no authority to establish safety regulations—or to enforce them—with respect to use of the river. There is no existing program to warn unsuspecting visitors of the potential dangers which they might encounter. And there is no systematic method for determining when adventurous visitors have set out on a river running expedition or whether they have returned safely. These are some of the things that the Forest Service can and will do if the river is added to the system.

To help them, it is expected that the Forest Service will regulate, by contract, those who will be permitted to operate commercial float trips. There are pres-

ently several operators serving the public on the Chattooga. They have the experience with the river which can enable the visitor to have relatively safe and enjoyable experience and it is expected that they will be given preference in providing this service in the future.

Mr. Speaker, whether this legislation is adopted or not, the people will come. By enacting H. R. 9492 we will make sure that they are given some reasonable degrees of protection. Naturally, they must bear the primary responsibility for their own safety, but this legislation will enable the administering governmental agency to provide them with information and services which will help them have a safe and enjoyable visit.

Naturally, in administering this area the basic management objective will be to permit it to be used in a manner which will be compatible with the characteristics which made it suitable for inclusion in the system. Floating by raft, canoe and kayak will undoubtedly be an even more popular activity in the future than it is today. Fishing and hunting will continue to draw large numbers of visitors to the area. In addition, hikers, backcountry outdoorsmen and nature lovers will enjoy the primitive forest lands adjacent to the river.

LAND OWNERSHIP AND COST

By an exchange agreement with the Georgia Power Co., its holdings in the area were transferred to the Forest Service so that Federal land ownership now totals more than 80 percent of the 15,000-acre area. While some lands within the boundaries remain in private ownership and may be acquired, it is contemplated that scenic easements will satisfy most of the remaining needs. The bill authorizes the appropriation of $2 million for land acquisition, but fee title to the remaining lands can be acquired only from willing sellers; consequently, it seems unlikely that all of these moneys will be expended.

Development along the river will be modest. The legislation authorizes $809,000 for administrative and public and facilities. White certain access roads, trails and the like will be needed, most of the facilities to be installed will be designed to assure the protection of the river and the safety of its visitors.

CONCLUSION

Mr. Speaker, having visited in this area and having floated portions of this river myself on two occasions, I can give it my highest recommendation. It is a beautiful wild river in a magnificent natural area. H.R. 9492 will assure its preservation for the enjoyment of present and future generations. I urge its approval by my colleagues in the House.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Iowa.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding to me. I note something new has been added to reports in the House, this one carrying photographs. How does the gentleman get this job done? I do not recall ever before seeing a report carrying photographs.

Mr. TAYLOR of North Carolina. Mr. Speaker, I will state to the gentleman that this river and the Big Thicket Area, which is the subject of the next bill, contains scenery which is so beautiful and which speaks for itself so well that the committee was of the opinion that the photographs would be a fine addition to the report, and they were approved.

Mr. GROSS. Mr. Speaker, does this add to the cost of the report?

Mr. TAYLOR of North Carolina. Mr. Speaker, I would think that it would add about the same as one additional page in the RECORD would have added.

Mr. GROSS. Does the gentleman mean that the plates by which the photographs are reproduced cost nothing?

Mr. TAYLOR of North Carolina. The reproduction was made by the offset process which is inexpensive.

Mr. GROSS. Mr. Speaker, I wonder if in future reports there will be photographs of bathing beauties clad in bikinis?

Mr. TAYLOR of North Carolina. Mr. Speaker, someone might suggest that, but that is beyond the jurisdiction of our committee.

Mr. GROSS. And I guess it is beyond the jurisdiction of the gentleman from Iowa, too.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I am told that the cost of photographs in reports is not any more than would be of that of charts that are submitted in these reports.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman.

Mr. SKUBITZ. Mr. Speaker, I yield to the gentleman from California (Mr. HOSMER) such time as he may consume.

Mr. HOSMER. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, the Wild and Scenic Rivers Act passed by the Congress in 1968 provided a list of 27 rivers to be studied to determine their suitability for addition as components of the Wild and Scenic Rivers System.

The Chattooga River is one of these, and the study of it has yielded a favorable recommendation by the Department of Agriculture for its addition to the system. Further, the proposal has received widespread public support. This river is one of the few remaining undeveloped rivers in the southeastern United States. It possesses some extremely rough and challenging sections of white water for river runners, and constitutes a recreational resource not easy to match in this part of the country.

I urge my colleagues to support this bill by voting for its passage.

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

Mr. Speaker, The Chattooga River was designated as one of the 27 study rivers—and the study of the Chattooga was begun in 1969 by the Secretary of Agriculture—by agreement with the Interior Department.

The Legislatures of North Carolina, South Carolina, and Georgia approved the inclusion of the Chattooga in the system and the support for the wild and scenic river designation received almost unanimous approval.

The Chattooga River is one of the largest and longest undeveloped free flowing streams remaining in Southeastern United States.

The rivers included in the Wild and Scenic Rivers System are classified as wild-scenic and recreation. The 57-mile segment of the Chattooga designated in H.R. 9492 meets the requirements of all categories.

About 87 percent of 15,432 acres of land within the boundaries of the river are owned and managed by the U.S. Forest Service—hence—land acquisition would be slight.

The bill provides for a land acquisition authorization of not to exceed $2 million and a development ceiling of $809,000.

This bill has the support of the Administration and I urge its adoption.

Mr. MANN. Mr. Speaker, I rise in support of H.R. 9492, to include the Chattooga River in the wild and scenic rivers system. The Chattooga which flows through the mountains and foothills of northwestern South Carolina, not many miles from my home, is one of the few remaining natural and historic resources of this country which until now has largely been spared from the "civilizing" impact of man and his machines.

When Congress enacted the Wild and Scenic Rivers Act of 1968, it was the intent of Congress that certain selected rivers in the Nation which possessed outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, be preserved in free flowing condition, and that they and their immediate environs be protected for the benefit and enjoyment of present and future generations. That act designated the Chattooga River in North Carolina, South Carolina, and Georgia for potential addition to the national wild and scenic rivers system. In July of this year, I joined with other Members of Congress from Chattooga River country in introducing H.R. 9492 to include the Chattooga as a component of the national wild and scenic rivers system in furtherance of the 1968 act. Favorable action on the bill before us today will insure that the natural wonders of the Chattooga, which have been enjoyed and taken for granted by past generations will be preserved for the continued enjoyment and appreciation of future generations.

Though the Chattooga has recently been popularized by the James Dickey novel, "Deliverance," and the movie of the same title, I have known the river since my earliest years as a South Carolina scholboy. I have always been fascinated by this white-water river, and the mystery and excitement which attracted me to the mighty Chattooga in the days of my youth continue to draw me back to its rushing waters and untamed natural beauty. I am sure that my colleagues in the Congress who visited the Chattooga River area in early August recall quite vividly the excitement

and breathtaking beauty we enjoyed during our float down the wild Chattooga. What we enjoyed on that memorable occasion should be protected from the destructive byproducts of an increasingly industrialized society in order that future generations may also experience that same enjoyment.

The Chattooga River would be a significant addition to the wild and scenic rivers system. The Chattooga is presently a clean, free-flowing, mountain stream in the deep forest of a relatively undeveloped area. In fact, it is one of the few remaining free-flowing streams in the southeast and is the only mountain river in the four-State area of North Carolina, South Carolina, Georgia, and Tennessee without substantial commercial, agricultural, and residential development along its shores. This river is a prime example of the whitewater rivers that once abounded along the east coast but which now have had their natural state substantially altered by the advances of civilization. Many such rivers which once offered some of the same wonders the Chattooga affords us today are either dammed, flow through farms, cities, or other areas of commercial activity, or are being used for industrial refuse and sewage disposal. We now have the opportunity to protect the wild Chattooga from this fate, I urge the Congress to act favorably on the bill before us today in order that we might preserve the Chattooga as an example of what we used to have in abundance in the Southeastern United States.

Even though the Chattooga River has a quality of remoteness, it is readily accessible to several metropolitan areas and provides many types of outdoor recreation for which there is now great demand. Not only is the Chattooga a superior scenic attraction, it is also one of the great canoeing and rafting rivers in the East and provides canoeing opportunities for every degree of skill. Excellent opportunities for hunting and fishing exist in the area as well as opportunities for other types of outdoor recreation. And, the river is not without historical significance. Prior to 1600, the Chattooga River was in the land of the Cherokee Indians and legends, artifacts, and settlements provide a valuable source for the study of the Cherokee culture and history. The earliest record of white men in the area are hunter maps dated 1730 and 1751. In 1775 William Bartram, an early American botanist, visited the region and crossed the Chattooga. In 1830, white settlers arrived to make their homes along the Chattooga and there still remains evidence of pioneer construction in the region.

Mr. Speaker, I respectfully submit that the Chattooga River satisfies all the requirements for inclusion in the national wild and scenic rivers system, and I therefore, urge the House to suspend the rules and pass H.R. 9492. As the report prepared by the Committee on Interior and Insular Affairs points out, this bill would include that portion of the Chattooga River from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles as a component of the wild and scenic rivers system, and authorize to be appropriated $2 million for land acquisition and $609,000 for development.

We must act without delay if we are to preserve another of the rapidly diminishing natural resources which this country used to possess in such great abundance.

Mr. VANIK. Mr. Speaker, two bills reported by the distinguished Interior Committee, H.R. 9492 adding the now famous Chattooga River to the Wild and Scenic Rivers System, and H.R. 11546, establishing Big Thicket National Preserve, are before us today. I intend to vote in favor of both measures for several reasons.

As a representative of a semiurban district I can see the need for Congress to continue to set aside natural, nondevelopable space for Americans. As our cities grow larger and more stifling, we cannot neglect the need of those residents for the beauty and relaxation that natural settings provide. In an era of property-as-investment, a climate has been created that tends to diminish the human value of land open to the public. We cannot let this happen by failing to procure forests and preserves and wild scenery that will otherwise be cheapened with condominiums and commercial camping sites.

Mr. Speaker, there is currently under consideration a bill to create a national historical area within 15,000 acres of the beautiful expanses of the Cuyahoga River Valley between Akron and Cleveland in my State of Ohio. This recreation area would offer many of the same things that the Chattooga River and Big Thicket do in their parts of the country. And in addition to a large green open space preserved from the bulldozer of the developer, the Cuyahoga Valley National Historical Park and Recreation Area would be within a single hour's drive of over 4 million people—a point especially important with the energy crisis now on top of us.

Unfortunately, the majority of our country's excellent national parks are in the West—in areas of great scenic beauty, but hundreds of miles beyond the range of their potential users. Gasoline shortages will not allow us the indulgence of day-long drives any longer. We must react to this situation by preserving, now, open spaces near our major urban centers for the enjoyment of all Americans in the future.

Mr. DORN. Mr. Speaker the Chattooga River is a unique national treasure. The bill now before the House will guarantee that its unspoiled natural setting will be protected. As a sponsor of the bill I urge its overwhelming approval.

Mr. Speaker, in the Southeast we are proud of a beautiful environment second to none in the Nation. We have rivers, lakes, and woodlands in abundance. In the Chattooga we have one of the finest examples of clean, free-flowing, unspoiled mountain streams to be found anywhere. By including the Chattooga in the Wild and Scenic Rivers Systems the Congress can protect the magnificent river and surrounding area from any actions that would disturb the present setting.

In a 50-mile stretch between Cashiers, N.C., and Lake Tugaloo, the elevation of the Chattooga descends at a rate of 50 feet per mile. This sharp drop makes for some of the most spectacular whitewater rapids in America. For some 40 miles the River forms the border between South Carolina—Oconee County—and Georgia.

Protection of the Chattooga has wide support among the people of my area, Mr. Speaker. We have heard from Girl Scouts and Boy Scouts, people from all walks of life who love the magnificent, spectacular beauty of the South Carolina, North Carolina, and Georgia mountains. I am proud to be a sponsor of this bill, and urge its approval.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rule and pass the bill H.R. 9492, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Wild and Scenic Rivers Act by designating the Chattooga River, North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. 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, H.R. 9492, immediately preceding its passage.

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

There was no objection.

BIG THICKET NATIONAL PRESERVE IN TEXAS

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11546) to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes.

The Clerk read as follows:

H.R. 11546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assure the preservation, conservation, and protection of the natural, scenic, and recreational values of a significant portion of the Big Thicket area in the State of Texas and to provide for the enhancement and public enjoyment thereof, the Big Thicket National Preserve is hereby established.

(b) The Big Thicket National Preserve (hereafter referred to as the "preserve") shall include the units generally depicted on the map entitled "Big Thicket National Preserve", dated November 1973 and numbered NBR–BT 91,027 which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District

of Columbia, and shall be filed with appropriate offices of Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties in the State of Texas. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, but no later than six months after the date of enactment of this Act, publish a detailed description of the boundaries of the preserve in the Federal Register. In establishing such boundaries, the Secretary shall locate stream corridor unit boundaries referenced from the stream bank on each side thereof and he shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration. The preserve shall consist of the following units:

Big Sandy Creek unit, Polk County, Texas, comprising approximately fourteen thousand three hundred acres;

Menard Creek Corridor unit, Polk, Hardin, and Liberty Counties, Texas, including a module at its confluence with the Trinity River, comprising approximately three thousand three hundred and fifty-nine acres;

Hickory Creek Savannah unit, Tyler County, Texas, comprising approximately six hundred and sixty-eight acres;

Turkey Creek unit, Tyler and Hardin Counties, Texas, comprising approximately seven thousand eight hundred acres;

Beech Creek unit, Tyler County, Texas, comprising approximately four thousand eight hunderd and fifty-six acres;

Upper Neches River corridor unit, Jasper, Tyler, and Hardin Counties, Texas, including the Sally Withers Addition, comprising approximately three thousand seven hundred and seventy-five acres;

Neches Bottom and Jack Gore Baygall unit, Hardin and Jasper Counties, Texas, comprising approximately thirteen thousand three hundred acres;

Lower Neches River corridor unit, Hardin, Jasper, and Orange Counties, Texas, except for a one-mile segment on the east side of the river including the site of the papermill near Evadale, comprising approximately two thousand six hundred acres;

Beaumont unit, Orange, Hardin, and Jefferson Counties, Texas, comprising approximately six thousand two hundred and eighteen acres;

Loblolly unit, Liberty County, Texas, comprising approximately five hundred and fifty acres;

Little Pine Island-Pine Island Bayou corridor unit, Hardin and Jefferson Counties, Texas, comprising approximately two thousand one hundred acres; and

Lance Rosier unit, Hardin County, Texas, comprising approximately twenty-five thousand and twenty-four acres.

(c) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided,* That any lands owned or acquired by the State of Texas, or any of its political subdivisions, may be acquired by donation only. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intention to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the preserve was created, accept title to any lands, or interests in lands, located outside of the boundaries of the preserve which the State of Texas or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he may administer such lands as a part of the preserve after publishing notice to that effect in the Federal Register. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds.

SEC. 2. (a) Effective six months after the date of the enactment of this Act or at such time as the Secretary publishes the detailed description of the boundaries of the preserve in the Federal Register as required by subsection 1(b) of this Act, whichever is earlier, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property, except the mineral estate, lands or interests in lands owned by the State of Texas or its political subdivisions, or existing easements for public utilities, pipelines, and railroads, and except as provided in subsection (c) of this section. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(b) The United States will pay just compensation to the owner of any real property taken by subsection (a) of this section and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States pursuant to the provisions of this Act. Payment shall be made by the Secretary of the Treasury from moneys available and appropriated from the Land and Water Conservation Fund, subject to the appropriation limitation contained in section 6 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking to the date of payment therefor. Any action against the United States for just compensation for any lands or interests taken pursuant to this subsection shall be brought in the district court of the United States for the district in which such property is situated. In the absence of a negotiated agreement or an action by the owner within one year after the date of enactment of this Act, the Secretary may initiate proceedings at any time seeking a determination of just compensation in the district court of the United States for the district in which the property is situated. In the event that the Secretary determines that fee title to any lands taken pursuant to this provision is not necessary for the purposes of this Act, he may, with the concurrence of the former owner, revest title in such lands to such owner subject to such terms and conditions as he deems appropriate to carry out the purposes of this Act and he may compensate the owner for no more than the fair market value of the rights so reserved: *Provided,* That the Secretary shall not revest title to any lands for which just and full compensation has been paid.

(c) This section shall not apply to any improved property as defined in subsection 3(b) of this Act: *Provided,* That the Secretary may, in his discretion, initiate eminent domain proceedings if, in his judgment, such lands are subject to, or threatened with, uses which are or would be detrimental to the purposes and objectives of this Act. The district court of the United States for the district in which such property is situated shall have jurisdiction to hear evidence and determine just compensation for any lands taken pursuant to the provisions of this subsection.

SEC. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act, the term "improved property" means a detached, one-family dwelling, construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(c) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

SEC. 4. (a) The area within the boundaries depicted on the map referred to in section 1 shall be known as the Big Thicket National Preserve. Such lands shall be administered by the Secretary as a unit of the national park system in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

(b) In the interest of maintaining the ecological integrity of the preserve, the Secretary shall limit the construction of roads, vehicular campgrounds, employee housing, and other public use and administrative facilities and he shall promulgate and publish such rules and regulations in the Federal Register as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters with respect to:

(1) motorized land and water vehicles;

(2) exploration for, and extraction of, oil, gas, and other minerals;

(3) new construction of any kind;

(4) grazing and agriculture; and

(5) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when, no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, flora and fauna protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating

to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities.

SEC. 5. Within five years from the date of enactment of this Act, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $63,812,000 for the acquisition of lands and interests in lands and not to exceed $7,000,000 for development.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H.R. 11546—the bill now before the House—is one of the major conservation measures to be considered during this session of Congress. It provides for the creation of the Big Thicket National Preserve as a unit of the national park system.

LEGISLATIVE BACKGROUND

As most Members know, many different proposals involving the Big Thicket area of east Texas have been suggested over the years. H.R. 11546 is the outgrowth of the studies and proposals that have been made since the mid-1960's when interest in this area was revived.

In the years that have followed, interest in the area has grown considerably. Few proposals have resulted in the volume of correspondence which has been generated by interest in the Big Thicket. As a result, legislation was introduced in the Congress and the Subcommittee on National Parks and Recreation visited the area and held field hearings in June 1972. At that time all points of view were heard. On July 16 and 17, the subcommittee conducted additional hearings in Washington and, after 2 additional days of deliberations on the merits and language of the legislation, it reported the legislation favorably to the full committee on Interior and Insular Affairs.

AREA INCLUDED

To some, the 84,550-acre preserve, which H.R. 11546 would establish is far too small. To others, it seems too large. Conservation and environmental organizations argued for the creation of a national park containing at least 100,000 acres—and preferred an area closer to 200,000 acres. Landowners and the timber industry were willing to accept the 35,000-acre "string-of-pearls" proposal which was once suggested by the park service.

Resolving this dilemma has not been an easy task for anyone involved. We all owe our colleagues from Texas—particularly, Mr. CHARLES WILSON, Mr. ECKHARDT, Mr. STEELMAN, and Mr. KAZEN—our gratitude for striking a reasonable balance between these almost irreconcilable viewpoints. Starting with the 35,000 acres, which nearly everyone agreed should be preserved, the area included in the proposal recommended by the Department of Interior included a total of 68,000 acres.

While the Subcommittee on National Parks and Recreation recognized that the disjunct areas in the departmental recommendation merited inclusion, it felt that the excluded stream corridors should also be reviewed. As a result, it added the connecting corridors along the Neches River, Menard Creek, and Little Pine Island—Pine Island Bayou to give continuity to the area, to protect some of the essential waterways, and to assure access to the streams. Taken together with the additions at the Lance Rosier and the Loblolly units, these corridors constitute the basic differences between the area included in the proposal transmitted by the Secretary and the area included in the committee recommendations. (The importance of these stream corridors can be seen by referring to the map on page 3 of the committee report.)

LEGISLATIVE TAKING

Another issue which was carefully considered involved language which makes most of the privately owned lands within the boundaries of the Preserve subject to a legislative declaration of taking within 6 months after the date of enactment of this act. In making this recommendation, the committee recognized not only that prompt acquisition would be essential if the properties are to be acquired without significant cost increases due to escalating land prices, but that prompt action is necessary in order to assure the preservation of the values remaining in this once massive area.

COST

Naturally in an area of this kind, where nearly all of the lands involved are privately owned, land acquisition costs are going to be substantial. By the terms of the legislation, these costs should be borne by the Land and Water Conservation Fund which was established for the purpose of underwriting the Nation's outdoor recreation program. The committee has every reason to believe that the fund is adequate to underwrite the cost of this project. While other projects in other parts of the country must also draw upon the financial resources of the fund, it is not anticipated that the combined total requirements, in any 1 year, will exceed the moneys available for the Federal land acquisition share of the fund.

In this case, the land acquisition program is estimated to require the investment of $63,812,000 if fee title is acquired in all of the privately held lands. This outlay may be substantially reduced if some of the present landowners donate some of the lands involved. Also, the costs should be reduced if the Secretary draws the final boundaries to exclude improved properties which are not necessary for, or compatible with, the Preserve. Finally, assuming that homeowners will wish to retain the use and occupancy of their qualifying residential properties or that a suitable agreement can be negotiated which will permit continued use of privately owned lands within the Preserve in a manner compatible with it, then the land costs will be reduced even further.

Mr. Speaker, development costs in this 84,550-acre Preserve are expected to be in the neighborhood of $7 million. In arriving at this amount, the committee recognized that the units are spread over a large area. In some cases they are long, narrow corridors and in others they are compact units, but in all cases they will require facilities to accommodate the needs of the visiting public in water and sanitation facilities, roads and trails, and other administrative and public use facilities will be needed to protect the resource and to assure the safety and enjoyment of the visiting public.

DESCRIPTION

Without going into detail, Mr. Speaker, let me say that this legislation represents a real opportunity for the Congress to act to preserve an area with many unique qualities. It is known as "the biological crossroads of America" because of its outstanding combination of flora and fauna of all kinds. Like the Big Cypress legislation, which the House approved earlier this year, it represents a new element in the national park system—a national preserve. Like a national park it is significant because of its nationally valuable natural values, but like recreation areas it must continue to be available for a variety of uses which would not be permitted in a national park.

CONCLUSION AND RECOMMENDATION

To some, the Big Thicket comprises an area more important than most units of the existing national park system. It can be an interesting and beautiful place for those who visit it. The pictures in the committee report amply demonstrate this point. I am pleased to have this opportunity to recommend it to my colleagues and I urge the adoption of H.R. 11546.

Mr. MILFORD. Will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman.

Mr. MILFORD. Mr. Speaker, it is an exciting day today when we are about to vote on a bill to make the Big Thicket of Texas a national preserve.

Eleven months ago, as a recently sworn-in Member of this body, I was the first to introduce a Big Thicket bill in this session of Congress, H.R. 4270.

During these 11 months, the American compromise tradition has gone to work in committee to report out a bill that will do the job of preserving the east Texas biological wonderland.

To do this, we have compromised on acreage. The bill we are about to vote on sets aside 84,550 acres as a national park—a 14,000-acre compromise.

But I am convinced that the area covered in this bill will preserve sufficient land to safeguard the animal life of the Big Thicket. It will give the animals more than the natural vegetation food supplies which they need. It

will give them room to move around in and some degree of privacy from man's intrusions—a need as vital as food.

This bill also looks ahead to the future. Not just 5, 10, or 15 years, but five and ten decades away when people will be needing and seeking an experience of free, open nature even more than we are at present.

I believe we have here a good bill, a workable bill, and I know we have a definite need to establish a Big Thicket preserve while there is yet a Big Thicket to preserve. Therefore, I urge your approval of this legislation today.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I shall not attempt to define the boundaries of Big Thicket except to say it is in east Texas. I shall leave that task to others who are more familiar with the area than I.

It has been referred to as the "Biological Crossroads of North America" where the woodland flora and fauna of North, South, East, and West meet.

Interest in the Big Thicket dates back to 1927 and interest so mounted that in 1938 and 1939 the National Park Service favorably recommended that it be given park status.

In the midsixties the National Park Service made new studies and recommended that a series of widely dispersed lands be protected.

In 1972, several members of the committee visited the area and reported favorably on what they saw.

A number of bills were introduced calling for the including of 68,000 to 100,000 acres of land.

The Big Thicket National Preserve, as proposed by this legislation, embraces about 84,000 acres of land comprised of a dozen generally detached units of varying sizes in east Texas.

Each unit principally represents a different ecological mix, and thereby presents an opportunity for variable experience for the visitor.

Within 6 months of the bill's enactment, as the boundaries of the new preserve are precisely defined by the Secretary of the Interior the general location map and acreage figures for the units as described in this bill, title to the land will automatically vest in the Federal Government.

Provision is made in the bill to avoid the incorporation of year around residences within the preserve where it is possible to exclude them, and in such cases where residences cannot be avoided, provision is made for exempting them from acquisition through legislative taking if certain criteria are met. Also exempted from legislative taking is the mineral estate.

The bill provides for a study and recommendations to be made within 5 years as to the suitability of wilderness designation for any part of the preserve. Funds for acquisition are authorized at $63,812,000, and $7,000,000 is authorized for development.

Mr. Speaker, I think this bill finally has resolved most of the various points of difference which have existed through the years of attempts to establish some type of a Federal park unit here, and I believe it therefore has the support of most all persons and organizations who have had a concern or interest in this matter.

I hope my colleagues in the House will see fit to give this bill the same degree of support it has received from the Texas delegation, as evidenced by the strength of their sponsorship of this bill, and I strongly urge its passage.

GENERAL LEAVE

Mr. SKUBITZ. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of H.R. 11546—a bill providing for the establishment of the Big Thicket National Preserve in the State of Texas.

At one time, the area known as the Big Thicket comprised millions of acres. It was a dense, uninviting wilderness largely avoided by man. Except for occasional hunting trips, it is believed that the Indians avoided it; the Spaniards gave it wide birth, and early American settlers detoured around it. It was not until the middle of the last century that the conquest of the Big Thicket began in earnest.

Timbering began in the region around 1850 and was encouraged by the construction of railroads into the region in the decades that followed. Then oil was discovered causing a new interest in the area. Today, modern timbering practices and agricultural techniques have transformed large areas into productive uses, so that only a relatively small part of the original Big Thicket remains intact. While it is much reduced in size, it is representative of the area which once dominated this part of the country.

The Big Thicket is said to be "the biological crossroads of America." Here eight distinct biological habitats exist. Ranging from savannah to bald cypress to upland mixtures of beech, magnolia, white oak, and loblolly pine, the Big Thicket contains every plant community known to exist in the entire Southern Evergreen Forest.

To scientists, this area is considered one of the Nation's most outstanding natural laboratories. Botanists find the large number and unusual combination of plant communities fascinating. To them, the vegetation of the understory is an interesting component of the forest. Included in the unusual vegetation of the region are four of the five varieties of insect-eating plants known to exist on this continent. There are well over 1,000 varieties of flowering plants and vines, including at least 30 varieties of orchids.

The trees of the forest are equally interesting. Not only is the combination unusual, but the long growing season, the broad range of soil types, and the abundance of water combine to encourage growth. Many of the species of trees found in this area include the largest of their species known to exist anywhere in the country.

Naturally, Mr. Speaker, such an area attracts an interesting combination of wildlife. It is said that the Big Thicket is inhabited by more than 300 species of birds on a permanent or temporary basis. When it is recognized that there are only about 720 species in the United States, the fact that more than 100 make the Big Thicket their permanent home becomes impressive.

Perhaps the most interesting bird thought to exist in the Big Thicket is the rare ivory-billed woodpecker—I said "thought to exist" because it may already be extinct. This flamboyant ivory-billed bird has black, red, and white markings and is 21 inches long—slightly larger than the average chicken hawk. It once ranged from the Gulf of Mexico to North Carolina and Indiana, but now only the Big Thicket may contain the remote woods which it needs to survive. Several other rare or endangered birds are known to inhabit the Big Thicket.

Not so many people find snakes of interest, Mr. Speaker, but for those who do it should be mentioned that no other region of comparable size contains as many varieties of snakes as this area. There are four known varieties of poisonous snakes in the United States—and the Big Thicket has them all. Nonpoisonous snakes are even more common. It is said that there are four or five times as many nonpoisonous snakes as poisonous ones, but no detailed inventory has been made.

In short, Mr. Speaker the natural values of the Big Thicket are especially interesting. They represent a part of America that can never be reproduced once it is lost. Much of the area has already been altered, but we still have an opportunity, by enacting this legislation, to assure the preservation of a significant and representative portion of this unique area.

Practically all of the lands involved in H.R. 11546 are privately owned. Much of this is in corporate ownership; however, there are many smaller landowners who hold lands within the proposed Preserve. The bill is drafted to give homeowners every possible protection from unnecessary acquisition. It requires the Secretary to attempt to avoid including residential properties within the final boundaries of the Preserve. Inevitably, some will be included. In those cases, the homeowners are entitled to retain a right of use and occupancy for 25 years or their lifetimes if they wish, and the Secretary would pay the owner the fair market value of the property, less the fair market value of the right retained.

Mr. Speaker, in any case, where any private lands are taken, the Government is obligated to pay the fair market value for the interests acquired. Under the terms of the bill, title to all nonresidential lands will be transferred to the Government within 6 months after the date of enactment and the landowner will be entitled to just compensation as deter-

mined by negotiations or, if necessary, by the local U.S. district court.

Mr. Speaker it is important that the Government move quickly to implement this legislation. Not only are activities underway which might further alter the values of this area—that is timber harvesting, clearing, and subdivision—but land costs are continuing to increase. By providing for the transfer of title to the nonresidential lands the legislation will assure immediate protection for a large portion of the proposed Preserve.

To carry out the purposes of this act, the legislation authorizes the appropriation of $63,812,000 for land acquisition. While it may be necessary to appropriate this entire amount, we are hopeful that the Secretary will utilize the authorities given to him to reduce these costs wherever possible, but we want to be sure that the objectives of the legislation are fully implemented. In addition, it is anticipated that the development of administrative and public use facilities will require the investment of $7 million.

Mr. Speaker, H.R. 11546 is the product of the efforts of many people. So far as I know, it has broad support. It includes features which took into account the views of conservation organizations, property owners and timber producers—even though, I am sure, none of them are fully satisfied. It has the support of most of the members of the Texas delegation and most of the members of the Committee on Interior and Insular Affairs.

Mr. Speaker, H.R. 11546 is the end product of several public meetings including a field hearing in Beaumont, Tex. It was carefully considered by the Subcommittee on National Parks and Recreation and it represents a positive program for the preservation of a most significant area. I commend the gentlemen from Texas (Mr. WILSON, Mr. ECKHARDT, and Mr. STEELMAN) for their cooperative and constructive contributions and I thank the chairman (Mr. TAYLOR) and the ranking minority member (Mr. SKUBITZ) for their helpfulness during our consideration of this matter.

It is a pleasure for me to rise in support of H.R. 11546 and I urge its favorable consideration by the Members of the House.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, one of my principal concerns with the creation of a Big Thicket National Preserve as in H.R. 11546, has been that there be a minimum displacement of individuals owning property within the park area.

During hearings held in Beaumont in June 1972, I emphasized the necessity of the study of such area to determine the number of people involved in property ownership, particularly along the corridors, and stressed the need to include a provision which would displace as few people as possible.

I am pleased to point out that the House Interior and Insular Affairs Committee, with my encouragement and support, included a provision that the Secretary of the Interior "shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration."

I am pleased that the committee included this provision in line with my recommendations at the subcommittee hearings in Beaumont in June. It is my belief that with this clause, "the lives of as few people as possible will be disrupted as the result of the creation of this park."

The people of Texas are aware and appreciative of the dedication, drive and hard work that the Members of the Committee, Chairman ROY TAYLOR of North Carolina, including ABRAHAM KAZEN, of Texas, have contributed to our efforts to preserve America's incomparable recreational and wilderness areas. Their support is indicative of the very deep sense of responsibility that this subcommittee feels for the protection and development of our Country's national parks and recreational areas.

The Big Thicket region has been called the ecological crossroads of North America. It is truly a land of unusual beauty, a curious mixture of serenity and excitement. In this area there are over 300 bird species, over 200 tree and shrub species, 40 wild orchid species and 9 carnivorous plant species.

The Big Thicket is a transition zone between the arid Southwest and the tropical coastal marsh, the central prairie and the eastern woodlands of our Nation. This unique transitional characteristic, together with its 60 inches of annual rainfall, provides a rich habitat for plant and animal life of many types. It also offers vast and varied recreational and educational opportunities.

Too much of this area has already succumbed to the demands of modern civilization. Already we have lost thousands of acres of rare and beautiful hardwoods and numerous species of animal life that once populated this area.

I think that a reasonable, acceptable bill has been formulated by the Committee. It is not as big as some would like it, but it is larger than that which others would like. It is a compromise as to ecological value, recreational value, cost of acquisition and feasibility of its eventual operation, but I believe it will work.

I believe history will show that establishment of National Parks has generally resulted in an improved economic situation in the area. I see no incompatibility between the development of this park and the future economic growth of the areas around it. The Department of Interior should be able to, by regulation, permit continued economic development in a manner that does not destroy the value of nor interfere with the operation of the park.

I am deeply grateful to the committee for its support and its recommendations. I hope the Congress will help us in Texas save this resource for future generations.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STEELMAN) and may I add, Mr. Speaker, that the gentleman from Texas (Mr. STEELMAN) has spent innumerable hours in behalf of this bill, and has been largely responsible for the bill being reported out of the committee.

Mr. STEELMAN. Mr. Speaker, I thank the gentleman from Kansas for his kind remarks.

Mr. Speaker, I want to take this opportunity to review just briefly the history of this legislation. The chairman of the National Parks Subcommittee, the gentleman from North Carolina (Mr. TAYLOR) has outlined this in detail. I would like to say that since 1927 the Big Thicket area has been debated by conservationists, citizens of the State of Texas, and by members of the Texas delegation. This movement was interrupted by World War II, and was revived again in the 1960's, and in the last 7 years has been marked with great and sometimes heated debate among the Members of this body, among industrialists, conservationists, and citizens of the State of Texas. The proposals have ranged all the way from 3 million acres to 300,000 acres, and now, as contained in this legislation, 84,000 acres.

We have worked with many environmentalists, with property owners, citizens of the State of Texas, and citizens of this congressional district in coming up with this compromise. I think, while it is true that many of us would like to have had more acreage, say, 100,000 acres, for example, that what we bring to the Members here today has been arrived at in a spirit of compromise. And in that regard compliments are in order to the gentleman who represents this district, the gentleman from Texas (Mr. WILSON) for the spirit of cooperation in which he has approached this problem.

Also, commendation is due for his years of work on this proposal to the gentleman from Houston, Tex. (Mr. ECKHARDT), the gentleman from Texas and my colleague on the Interior Committee (Mr. KAZEN), and my other Texas colleagues are due special thanks. Mr. Speaker, I think we would be remiss without pausing for a moment to give special thanks to a former Member of the other body, Senator Ralph Yarborough, for the great efforts he spent over many years in seeing this Big Thicket preserve through to fruition, as well as the two present Texas Senators, Senator TOWER and Senator BENTSEN, who have also labored long and hard on this legislation.

Mr. Speaker, the uniqueness of the Big Thicket area is in its scientific uniqueness. That is, it has been presented as the biological crossroads of North America, and indeed it is. I think another key feature of this bill is that it is very strong administratively, and I hope that it can serve as a model for increasing the congressional emphasis and intent to the Department of the Interior on what we want in our system of preserves, so that they will not be just parks, but scientific and educational set-asides, as well.

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

Mr. STEELMAN. I am happy to yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Speaker, I thank the gentleman for yielding to me.

I just want to say to the gentleman from Texas that I wish to commend him for the wonderful work and the leadership that he has displayed in advancing the cause of the Big Thicket national preserve, and I want to congratulate the gentleman.

Mr. STEELMAN. Mr. Speaker, I thank the gentleman from Illinois for his kind remarks.

Mr. Speaker, another key provision, in my opinion, is the legislative taking provision, and I hope this provision will become increasingly a part of our legislation with regard to parks and recreational areas. It allows the property owners to immediately know what their status is, and allows us to save money that could have otherwise been lost in the cost of a park due to inflation.

Mr. Speaker, I urge the adoption of this legislation.

SUSPEND ENERGY RESTRICTIONS FOR 4 DAYS PRIOR TO CHRISTMAS

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BARRETT) who would like to speak out of order.

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

Mr. BARRETT. Mr. Speaker, I have today sent a letter to the President requesting that he suspend recently announced energy restrictions for the 4 days prior to Christmas Day, so that the American people can take the opportunity to celebrate the Christmas holiday in the ways that they have normally done so in the past years. The Christmas holiday is for most Americans the most joyful and happiest holiday of the year, since they celebrate the Christmas spirit with their families and friends. I believe that easing the restrictions for these 4 days will do much to encourage the American people while celebrating the Christmas holidays and buoy the spirits of our citizens during this time of sagging confidence and sagging morale in almost every sector of American life.

I have also asked the President to close the Federal buildings around the country Christmas Eve, December 24, thereby permitting all Federal employees a holiday on that day. In taking such a step, the President could achieve substantial savings in energy since most Government buildings would be closed for a 4-day period.

Mr. Speaker, I believe that these two suggestions would meet with favorable response from most Members of the House and I am hopeful will meet with a favorable response from the President.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a copy of the letter which I sent to the President.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The letter is as follows:

Washington, D.C.,
December 3, 1973.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Christmas holiday season has always been a festive and happy occasion for the American people. It has been celebrated in many diverse and traditional ways, and has been a season of good spirit, friendship, and a gathering of families and loved ones.

The approaching Christmas season, Mr. President, appears to me to be a time to rally the sagging spirits of America. We can do this, I believe, by calling on that traditional Christmas spirit of the American people. I would respectfully urge you to ease the energy restrictions that you have urged upon the American people for four days prior to Christmas Day. This would be a very brief four-day period which would permit the American people to celebrate the Christmas holiday in the ways they have so traditionally done so in the past. It would provide the opportunity for everyone to celebrate the Christmas holiday before the oncoming crunch of the winter months, January through March, when the energy restrictions will be severely felt throughout most of the country. It would buoy the spirits of America and enable us to meet the crisis of the upcoming winter.

I would also urge that you declare Monday, December 24, a Federal holiday closing all Government offices and permitting all Federal workers that day off. The closing of all Federal buildings on Monday would conserve a great amount of energy needed to light and heat Federal buildings. Government buildings would be closed down for a four-day period.

Mr. President, I would earnestly suggest that such a recommendation would be well received by the American people.

Sincerely yours,

WILLIAM A. BARRETT, *Chairman.*

Mr. SKUBITZ. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, this is not an inconsequential proposition that we have before us. I believe this involves some $64 million for the purchase of some 67,150 acres of land in Texas, and $7 million to develop it into a park. Am I wrong in those figures?

Mr. TAYLOR of North Carolina. Will the gentleman yield?

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

Mr. TAYLOR of North Carolina. I thank the gentleman for yielding. I will state to the gentleman from Iowa that he is correct in regard to his figures, except the acreage in the area as provided in the bill before us is 84,550 acres.

Mr. GROSS. 84,550 acres?

Mr. TAYLOR of North Carolina. That is right. There have been various proposals by conservationists to support 200,000 acres, and later 100,000 acres, but this compromise figure was reached.

Mr. GROSS. $63,812,000, almost $64,000,000 for land acquisition; is that not true?

Mr. TAYLOR of North Carolina. The gentleman is correct.

Mr. GROSS. How much does that figure per acre? It must be somewhere in the neighborhood of $700

Mr. TAYLOR of North Carolina. I will say to the gentleman that his figures are correct. I might state that there are several improvements, several houses on the property. However, we are hopeful that all of this money will not have to be expended.

There are various features in the bill which could reduce it. One feature in the bill provides that any owner of a home can retain the home and 3 acres of land for 25 years or for his lifetime by taking reduced pay. We are hopeful that many of the homeowners will resort to this in order to retain the property.

Another section of the bill provides that title can be conveyed back to an owner if he agrees to an easement which properly protects the value of the Preserve.

Mr. GROSS. What contribution is the State of Texas making to this?

Mr. TAYLOR of North Carolina. I would state to the gentleman that while we have had fine cooperation from the State of Texas there is not any financial obligation imposed on the State by this legislation.

Mr. GROSS. Imposed on the State? I did not expect there would be any imposition. That is not the formula for handing out $64 million in Federal funds by imposing anything on a State except the money. But was Texas unwilling to come in and help on this deal or what is the story?

Mr. TAYLOR of North Carolina. The State does own a very small amount of land including the river bottoms in question and the legislation provides that they can be accepted by donation only.

Mr. GROSS. Is not $700 a pretty good per acre price for lowland? Is that not much of that swampland we are talking about, or wetland?

Mr. TAYLOR of North Carolina. I might state to the gentleman again that this land has many homes on it and the bulk of it is timberland. It has fine timber on it.

Mr. GROSS. It is still a pretty good price, is it not, per acre for unimproved land?

Mr. CHARLES WILSON of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. CHARLES WILSON of Texas. Mr. Speaker, this is the district I represent. I think these figures are very fair. As the gentleman from Iowa may know, prime timberland is somewhat at a premium these days. This was considered very carefully by the staff and the members of the committee. In most of the estimates, the people who are going to have to sell the land do not think this is excessive at all.

Mr. GROSS. I would not think the owners would complain if they are getting that kind of money for it—$700 an acre for wetland on which there may be some soft timber. I would not think they would be quarreling with that price, not for half a second.

Mr. TAYLOR of North Carolina. Mr. Speaker, I might state to the gentleman, if he will yield further, this is some of the finest timberland in America. It contains several grand champion trees, the finest of their species in America.

Mr. GROSS. I notice there are also some pictures in this report. There was a suggestion a while ago that if we should consider an obscenity bill or one dealing with pornography, that we might resort to the precedent set by the Committee on Interior and Insular Affairs and fill the report with photographs.

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

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

Mr. SKUBITZ. Mr. Speaker, the only reason we put in these pictures is the area is such that it defies description.

Mr. GROSS. Then maybe you should have used color photographs instead of the black and white. That would have further increased the cost of printing the report.

Mr. SKUBITZ. We will think about it the next time.

Mr. GROSS. I imagine the committee will.

Mr. PICKLE. Mr. Speaker, it is with a great deal of personal pleasure that I rise in support of H.R. 11546, the bill which will finally express the House's intention to establish Big Thicket National Preserve in eastern Texas.

It has been a long, sometimes difficult effort to save this unique area of American wilderness. The first attempts to establish some kind of pressure in Big Thicket began in the 1930's, and since then there have been many bills introduced to protect the thicket.

In the 93d Congress, several bills were initially introduced calling for a number of approaches to saving Big Thicket.

But in early October Congressman CHARLES WILSON and Congressman BOB ECKHARDT introduced a compromise bill which has drawn the enthusiastic support of the Texas delegation and virtually every conservation organization involved in the Big Thicket movement.

This legislation will set aside 84,550 acres of the thicket as a national preserve. This figure falls short of the 100,000 acres originally advocated by conservation groups, but certainly it is of sufficient size to protect the extraordinary ecology of the Big Thicket area.

Last year, I sponsored a 100,000 acre Big Thicket proposal, and I would have been delighted to see such a preserve approved. However, all of us in the drive to protect the thicket have realized that argument over size has gone on too long. We have realized that size alone is not the most important issue; rather, the paramount goal is moving now to protect the thicket from further damage.

The bill before the House today achieves this goal. While the acreage figure has been lowered, it is important that we also note the addition of several choice tracts in the compromise legislation.

I believe the Senate and House will, during the 93d Congress, agree on legislation creating the Big Thicket preserve. I am concerned, however, that the executive branch will choose to disapprove or impound the $70 million being appropriated for this project.

The Office of Management and Budget recommended a 65,000-acre preserve in their budgeting program, but I think the vote of the House today should serve notice that Congress expects full and expeditious funding of this important preservation effort.

For those of you who have never seen the Big Thicket, may I say that you are doing the country a great service by supporting Big Thicket legislation. The thicket possesses a lush beauty which is increasingly rare in this country and which must be preserved for our progeny.

And perhaps more important, the thicket supports many species of plant and animal life found nowhere else on Earth. By establishing this preserve, we are in effect saving several forms of life from possible extinction.

I should like to conclude by thanking the thousands of people who have given of their time and money in saving the thicket.

Through this legislation, the dream of Big Thicket will be at last realized. I urge the support of all my colleagues in supporting this important bill.

Mr. WHITE. Mr. Speaker, debate over many years has established uniform support for the creation of a national preserve in the Big Thicket area of east Texas. The points of contention have been restricted almost solely to the size, not the basic need. I believe that this bill by my respected colleague from Texas, the Honorable CHARLES WILSON, represents a compromise acceptable to all, and I urge its passage. I have joined in cosponsorship of this legislation because of my deep conviction of the need to preserve our natural wilderness areas for the countless generations which will follow us. This is a conviction shared by an ever-expanding portion of the people of this country as understanding of the necessity for this type of preservation becomes more deeply ingrained throughout the country. Support for this bill, I am convinced, will be a true reflection of the wishes of not only the people of Texas and the residents of immediately neighboring States, but of all of our citizens.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of H.R. 11546, which will create the Big Thicket National Preserve in Texas.

I am pleased to be a cosponsor of this legislation as well as a member of the House Interior and Insular Affairs Committee which has formulated the bill.

Just like all bills setting aside lands for national parks, the Big Thicket proposal we have before us is a compromise that reflects the interests of many diverse groups. It does not meet the demands of any of the groups precisely but it does represent our committee's best judgment on the appropriate way to protect this unique area while recognizing the legitimate claims of those who opposed setting aside any area and those who favored a smaller preserve.

The uniqueness of the Big Thicket can easily be seen in the committee report which makes available to the Members of the House pictures showing the remarkable character of the area.

The gentleman from Texas (Mr. KAZEN) has been extremely effective in the Interior Committee in advancing the Big Thicket proposal and I am personally appreciative for the information and advice he has given me in this regard.

The same is true for Mr. STEELMAN, who is also a member of the Interior Committee and who is among those most responsible for bringing about the final bill that obtained the backing of the committee and, hopefully, its passage by the House today.

The SPEAKER pro tempore (Mr. MCFALL). The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 11546.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks immediately before the passage of the bill H.R. 11546.

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

There was no objection.

CONFERRING JURISDICTION ON U.S. DISTRICT COURT FOR DISTRICT OF COLUMBIA OF CERTAIN CIVIL ACTIONS BROUGHT BY SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2641) to confer jurisdiction upon the district court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes.

The Clerk read as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the District Court of the United States for the District of Columbia shall have original jurisdiction, without regard to the sum or value of the matter in controversy, of any civil action heretofore or hereafter brought by the Senate Select Committee on Presidential Campaign Activities, which was created on February 7, 1973, by Senate Resolution Numbered 60, to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee to the President or the Vice President or any other officer of the United States or any officer or employee of any department or agency of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to matters the said Committee is authorized to investigate, and the said District Court shall have jurisdiction to enter any such judgment or decree in any such civil action as may be necessary or appropriate to enforce obedience to any such subpoena or order.

(b) The Senate Select Committee on Presidential Campaign Activities shall have au-

thority to prosecute in its own name or in the name of the United States in the District Court of the United States for the District of Columbia any civil action heretofore or hereafter brought by said Committee to enforce or secure a declaration concerning the validity of any subpoena or order heretofore or hereafter issued by said Committee to the President or Vice President or any other officer of the United States or any officer or employee of any department of the United States to procure the production before the said Committee of any information, documents, taped recordings, or other materials relevant to the matters the Committee is authorized to investigate, and pray the said District Court to enter such judgment or decree in said civil action as may be necessary or appropriate to enforce any such subpoena or order.

(c) The Senate Select Committee on Presidential Campaign Activities may be represented by such attorneys as it may designate in any action prosecuted by said Committee under this Act.

The SPEAKER. Is a second demanded?

Mr. McCLORY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

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

The purpose of S. 2641 is to confer upon the U.S. District Court for the District of Columbia jurisdiction over civil actions brought by the Senate select committee on Presidential campaign activities to enforce—or secure a declaration concerning the validity of—any subpena or order issued by the select committee to the President, Vice President or other Federal officer for the production of information relevant to the committee's function. The select committee is given authorization to prosecute such actions to enforce—or secure a declaration concerning the validity of—such subpenas and orders heretofore or hereafter issued by it, and may be represented by such attorneys as it may designate in any action under this act.

S. 2641 was introduced by Senator ERVIN, chairman of the Senate Select Committee on Presidential Campaign Activities on November 2, 1973, and was cosponsored by all the committee members. It passed the Senate in amended form on November 9, 1973.

The legislation is needed because, on October 17, 1973, Judge John J. Sirica of the U.S. District Court for the District of Columbia dismissed an action brought by the select committee to enforce its subpenas requesting certain tape recordings which were in the possession of the President. The dismissal followed a finding that there is no statute upon which the suit could be based. Judge Sirica stated in his opinion:

> The Court has here been requested to invoke a jurisdiction which only Congress can grant but which Congress has heretofore withheld.

S. 2641 would provide the necessary jurisdiction to the district court.

As respects the procedure chosen by the select committee, Judge Sirica observed that the select committee deliberately chose not to attempt an adjudication of the matter by resort to a contempt proceeding under title 2, United States Code, section 192, or via congressional common law powers which permit the Sergeant at Arms forcibly to secure attendance of the offending party, and that the select committee declared that either method would be "inappropriate" and "unseemly."

In dismissing the select committee's suit for lack of jurisdiction, Judge Sirica pointed out that in light of this lack of jurisdiction he did not reach the problem of justiciability or the merits of the case before him. It is important to note that enactment of S. 2641 will supply lacking jurisdiction but it will leave unresolved any issue of justiciability or any issue on the merits.

As originally introduced, S. 2641 was broader in scope than the measure that passed the Senate and is now before us. It would have given every congressional committee power to bring comparable suits. The present measure results from an amendment in the nature of a substitute introduced by Senator ERVIN at the suggestion of Senator HRUSKA and approved by all members of the select committee, which restricts the application of the bill to subpenas and orders of the select committee.

Although the select committee may eventually prevail in the pending litigation, it is desirable that the question of jurisdiction be resolved now by legislation needed to enable the select committee to obtain information related to its investigation. For the same reason, the Committee on the Judiciary does not at this time make any recommendation concerning H.R. 11189, a bill identical to S. 2641 as introduced. The committee does not wish to sustain the delay that enactment of a broader bill might entail.

Let me repeat: The bill creates jurisdiction in the district court over suits brought by the Ervin committee for enforcement of its subpenas or adjudication of their validity and it authorizes the committee to sue for such enforcement or adjudication. That is all the bill does.

Here is what the bill does not do:

It does not apply to any committee other than the Ervin committee.

It does not deal with judiciability or other issues on the merits.

It does not entail expense.

It was adopted by the Senate and by the Judiciary Committee without dissenting voice.

Mr. Speaker, I urge favorable consideration of S. 2641.

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

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

Mr. GROSS. Mr. Speaker, the authority that this would give to the Senate select committee, when would that expire? Would it end with the expiration of the committee, or is there any expiration date?

Mr. KASTENMEIER. It would expire with the expiration of the committee. We are told that the committee is due to expire February 28, 1974.

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

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

Mr. Speaker, I had considered opposing this legislation. I certainly want to question the wisdom of its enactment. The great interest and excitement which surrounds the Senate Watergate Committee, may lead many to conclude that anything emanating from that committee is supposed to be sacrosanct and should yield to immediate support.

Mr. Speaker, I would like to call attention to the fact that many Presidents have been subpenaed and, have been served with subpenas and subpenas duces tecum ever since the time of George Washington by committees of the Congress. In the late President Truman's letter to a committee of Congress declining to honor a subpena, he called attention to the fact that subpenas and subpenas duces tecum had been issued to Presidents Washington, Jefferson, Monroe, Jackson, Tyler, Polk, Fillmore, Buchanan, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, Hoover, and Franklin D. Roosevelt, without the need for any such legislation as we have here today.

The Congress has always had ample power to enforce its own subpenas, and as the gentleman on the other side of the aisle who sponsors this legislation has brought out, we certainly have that authority right now, and this enforcement can be compelled by the Sergeant at Arms through our common law authority or through sections 192 and 194, title 2, United States Code.

I raise two primary questions regarding this legislation. One is that it is probably unnecessary because the Senate Watergate Committee has deferred its further activities and probably will not reconvene until they get together to write a report; and clearly, it is unprecedented. It works contrary to the role of the judiciary in our constitutional system.

This legislation places unfettered discretion in four Members of the other body to issue any subpenas or orders which it believes necessary for its investigative purpose and to direct subpenas to the President, the Vice President and other officers of the United States as they see fit.

As I understand the existing provisions of title 2 of the United States Code, sections 192 and 194, and as we all know, the full House and Senate have consistently considered and occasionally debated at great length measures authorizing the Speaker of the House or the President pro tempore of the Senate to certify contempt proceedings to the proper U.S. attorney for action by the grand jury. Under this procedure, each body is permitted to screen the activities of committees.

I believe this check serves a valid purpose. We are being asked to forego this check and vest unprecedented authority in the Senate select committee. I would like to seriously caution the House against setting such a precedent.

Mr. Speaker, I firmly believe that the Congress should enforce its own process. The Senate select committee made no attempt to try to use established procedures for enforcing compliance, but

instead is asking us to place the court in this difficult and unwanted position. I am referring to refereeing a dispute between the executive and legislative branches of the Government.

To permit the court to function in such a capacity raises in my mind a serious constitutional question in regard to article III, section 2, which requires that the Federal court's jurisdiction be limited to "cases and controversies." This question involves a complicated specialty of Federal jurisdiction. I would like to point out that hearings on this bill were not held in the other body nor were hearings held in this body.

Finally, Mr. Speaker, I fail to understand the urgency of this legislation, when the Senate select committee has postponed any further hearings until next year and, according to newspaper accounts, the select committee may be out of business altogether.

Mr. Speaker, I seriously question the need for enactment of this legislation, and I question, also, the wisdom of our taking any such action.

The SPEAKER pro tempore. Does the gentleman from Wisconsin (Mr. KASTENMEIER) desire to yield time?

Mr. KASTENMEIER. Not at this time, Mr. Speaker.

Mr. McCLORY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I rise in support of S. 2641, which confers jurisdiction upon the District Court of the United States for the District of Columbia over certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities. I am advised that the Department of Justice has no objections to this bill.

Frankly, I had some questions about this bill when I first heard about it, but I think there is a valid reason for it.

Presently Congress has two methods of forcing compliance with its subpenas: One is its inherent common law authority; the other is its statutory authority under title 2, United States Code, sections 192 through 194. It is significant that both methods are forms of criminal contempt—and I emphasize the word "criminal."

S. 2641 provides a third remedy, which is civil in nature and very limited in its application

Right now Congress has the common law power to conduct its own trial of the contempt of witnesses before its committees. A person adjudged in contempt of Congress under this procedure may, under an order of the particular House involved, be subjected to one of three things:

First. The individual who refused to obey the subpena can be required to be contained in close custody by the Sergeant at Arms;

Second. He can be committed to a common jail in the District of Columbia; or

Third. He can be kept by the Sergeant at Arms in close confinement in the guardroom of the Capitol Police.

Confinement under the common law procedure, as one can imagine, has not been used extensively. That means that it has become more common to utilize the statutory provisions contained in title 2, under section 192.

Now, here is what happens; here is the procedure, when we use section 192, which, we must remember, deals with civil contempt only and not criminal contempt:

It is required that the particular committee involved will certify to the President of the Senate or the Speaker of the House, if they are not in session, or to the body as a whole if in session that somebody has refused to obey one of its subpenas.

Then the Speaker or the President protem is required to certify to a U.S. attorney the question of contempt.

The U.S. attorney then will present the matter to a grand jury. If the grand jury should return an indictment, then there would have to be a trial. Then if the individual subpenaed, in this case the President of the United States, the Chief Executive of the United States, should be found guilty, it is required under section 192 that he would be punished by a fine of not more than $1,000 nor less than $100, and that he be imprisoned in a common jail for not less than 1 month nor more than 12 months

Mr. McCLORY. Will the gentleman yield to me?

Mr. RAILSBACK. Let me finish the theme of this first.

The idea is that in the case of the President of the United States the Senate select committee, comprised of all Members, including Republicans and Democrats, thought it would be unseemly to subject the President of the United States to that kind of an alternative, and I am inclined to agree with them.

I now yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

I would like to ask this: It seems to me that since the existing legislation involves a criminal proceeding and purports to charge the President with the commission of a crime, as would be required under the existing statute and pursuant to the actions that have been initiated by the Senate select committee, this House should be assuming jurisdiction. Indeed, the entire action of the Senate select committee seems to be directed against the President of the United States.

In other words, it seems to me that our House Judiciary Committee's inquiry into the question as to whether or not impeachable offenses have been charged against the President establishes that the proper forum is the House of Representatives.

If we enact this legislation, it vests further authority in the Senate select committee to assume this role and to usurp our authority to investigate the various charges against the President and enables them to go forward with this activity. I think that is quite inappropriate.

The SPEAKER. The time of the gentleman has expired.

Mr. McCLORY. I yield the gentleman 2 additional minutes.

Mr. RAILSBACK. Let me respond. I may not agree with all of the activities of the select committee, but let us not deceive ourselves; they did subpena certain documents and requested certain information, including tapes. Those were not turned over voluntarily by the President of the United States. The court ordered that they had to be produced in the case of the Special Prosecutor, but as far as the Senate select committee is concerned it said they did not have jurisdiction to demand that they be produced.

Let me make it clear that the two devices used now for getting the President to turn over documents, if he should refuse to do so, provides for criminal contempt. Let me make it clear that this bill provides for civil contempt. That is one of the purposes of this bill.

Mr. McCLORY. The House Judiciary Committee would not be hamstrung by any limitation under existing law insofar as our inquiry is concerned, would it?

Mr. RAILSBACK. As far as I know, we have not even begun the inquiry. As I understand it, you have only these two devices, both of which are criminal in nature.

Mr. McCLORY. And they would be available to us?

Mr. RAILSBACK. Yes; except that you have to go to the U.S. attorney, and then it goes to a grand jury process and trial. If that trial should hold against the President of the United States, he has to be confined in jail for 1 month under that statute, which the committee does not want to go through.

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

Mr. Speaker, there seems to be a popular demand for legislation to enlarge the authority and expand the activities of the Senate Watergate committee. The question in my mind is whether they are impinging upon the rightful role of the House of Representatives in connection with their present inquiry. The excuses they give for not exercising the subpena power already granted by statute is that they regard the existing remedies as unseemly. It appears to me that they may indeed be unseemly, but that does not seem to me to justify some extraordinary temporary remedy just because of the popularity of the activities of this committee which have been publicized so much on television and in the press.

I regard it as a bad precedent for us to capitulate on constitutional issues—and on matters of principle when such circumstances exist. The Senate committee has statutory remedies at the present time, and if they are not sufficient and the charges against the President are so serious as to require subpenas duces tecum against the Presi- it seems to me that the House itself ought to exercise the authority it has under the constitutional authority of impeachment, and not to surrender this function to this select committee of the Senate to try the President before we have undertaken our investigation to determine the existence or absence of so-called impeachable offenses.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time.

Mr. RODINO. Mr. Speaker, I rise in support of S. 2641. What this bill does is to give the Senate and its Select Water-

gate Committee their day in court. If the situation were reversed and a House Select Committee were being frustrated in the enforcement of its subpenas because of the alleged lack of a duly authorized and appropriate forum for determination of their validity, I am sure we would all hope that the Senate would support our efforts to supply the lack.

As I understand it, Judge Sirica in the District Court dismissed the Watergate Committee's suit to enforce or determine the validity of its subpenas. In so doing Judge Sirica declined to decide a whole host of issues, including such issues as justiciability, executive privilege, and the like, because he regarded the absence of a statute granting jurisdiction to the court as conclusive. The decision is pending on appeal. Meanwhile, enactment of S. 2641 would restore these issues to adjudication by supplying the lacking jurisdiction. The measure empowers the U.S. District Court for the District of Columbia to entertain actions to enforce or validate Watergate Committee subpenas and authorizes the committee to use that court to litigate the enforcement and enforceability of its subpenas.

The urgency of perfecting the authority of the select committee is evident. The committee cannot perform its investigative function if it cannot enforce its subpenas. Enactment of S. 2641 is needed to remove the threshold obstacle to a determination of the substantive issues which Judge Sirica declined to decide.

Pursuance and conclusion of the Watergate investigation is critical to the restoration of our people's confidence in the Federal Government. It is unthinkable that the Senate Select Committee should be denied a determination of the enforceability of its subpenas simply because Congress has failed to provide a forum. We should enact S. 2641 at once.

Mr. BROOKS. Mr. Speaker, I do not intend to oppose the motion, but I have misgivings concerning this legislation which would authorize the Senate Select Committee on Presidential Campaign Activities to commence a civil action in the U.S. District Court for the District of Columbia for the enforcement of its subpena for the production of certain materials, including tapes of conversations, in the possession of the President.

The measure involves certain basic constitutional problems which were not given adequate consideration either in the Senate, where the bill was amended and adopted without being referred to committee, or here in the House, where the bill was favorably reported by our Judiciary Committee without hearings or extensive consideration.

The Joint Committee on Congressional Operations, of which I am vice chairman, has been conducting a detailed study of litigation affecting the Congress, including the issuance of congressional subpenas and their enforcement.

Many of us on the committee have been concerned over the increasing tendency of the courts to entertain litigation involving the judicial review of legislative decisions.

S. 2641 invites the courts to enter legislative areas by a congressional committee seeking a decision of the court passing on the validity of a congressional subpena. It also establishes the precedent of giving standing to sue to a Senate committee and authorizing it to employ its own counsel to commence a civil action either in the name of the committee or the name of the United States.

When a legislative body appears before the courts as a party litigant, it appears to concede the superiority of the judicial branch in becoming a supplicant before it. This is in derogation of the autonomy and independence of the legislative branch and is an undesirable precedent.

Both the House and the Senate possess the subpena power and the contempt power. In fact, the Senate Campaign Activities Committee did issue and serve a subpena on the President for the production of certain documents, including tapes of conversations, in the possession of the President. The proper proceeding to enforce a subpena against a recalcitrant witness is on order of the Senate to the Sergeant-at-Arms, in this case, to apprehend any person defying the order of the Senate and to bring him before the bar of the Senate to show cause why he should not be held in contempt of the Congress.

An alternative method of enforcement is to proceed under title 2 United States Code sec. 192, by referring the proceedings involving the contempt to the U.S. Attorney for prosecution as a misdemeanor. The latter proceeding would seem to be impractical because the U.S. Attorney and the Department of Justice would be requested to proceed against their superior, the President.

It is probable that it would be difficult to achieve a consensus of the Senate to proceed in the abrupt fashion suggested first, namely, the apprehension of the contumacious official. This contempt power of the Senate was last employed in 1935 in *Jurney* v. *McCracken*, 294 U.S. 125.

The question necessarily arises what would happen, even if this bill becomes law over a presidential veto, if the President should choose to disregard a declaratory judgment of the District Court. If he declines to comply with a Senate subpena, why should he do otherwise with respect to a declaratory judgment of a district judge?

The foregoing sketchy discussion, at this point, serves only to indicate the serious constitutional problems underlying the bill which deserve penetrating study by the Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the Senate bill S. 2641.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 2641, just passed.

The SPEAKER pro tempore. (Mr. MCFALL). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POSTPONEMENT OF HEADSTART FEE SCHEDULE

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11441) to postpone the implementation of the Headstart fee schedule.

The Clerk read as follows:

H.R. 11441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 222(a)(1) of the Economic Opportunity Act of 1964 is amended to read as follows: "The Secretary shall defer the implementation of a fee schedule established under this paragraph until July 1, 1975.".

The SPEAKER pro tempore. Is a second demanded?

Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to take this opportunity to first, congratulate our colleague from California (AUGUSTUS F. HAWKINS), chairman of the Equal Opportunities Subcommittee for his very prompt and responsive action to deal with the problem of the Headstart fee schedule. The bill was reported from the committee unanimously by voice vote and has strong bipartisan support.

The bill before us today is very simple. Upon enactment the Secretary of Health, Education and Welfare is directed to defer the implementation of the fee schedule for the Headstart program until July 1, 1975.

The Economic Opportunity Act Amendments of 1972 required the Secretary of Health, Education and Welfare to establish a schedule of fees for the Headstart program. It was my judgment that this fee schedule would have resulted in allowing those families who exceed the income limitation of the act to participate in the Headstart program at a nominal cost. This expectation is consistent with the way the Headstart program has been run in the past, and I anticipated the Headstart program to expand to include more of the near poor. What has happened is that those previously eligible for participation in the program are now being asked to pay a fee and they are being forced to drop out because they are unable to pay these fees.

The committee has been advised by the Office of Child Development that there has been an increase in administrative problems since the introduction of the fee schedule. Some local Headstart programs are refusing to collect fees. In other programs the fee schedule has caused friction between the poor and the near poor and the cost of collecting the fees are actually far greater than the fees being collected.

Therefore, Mr. Speaker, this bill accom-

plishes two worthwhile goals. First, it postpones the fee schedule until the Congress has an opportunity to hold some additional hearings in light of the experience we gained; and second, it restores the program to its former successful operation.

It is my judgment that the Secretary of Health, Education, and Welfare should immediately inform all Headstart programs that the regulations of August 1973 which imposed the fee schedule are due to be rescinded and he should cease any activities with regard to collecting fees that may have been assessed while the fee schedule was in effect.

Mr. Speaker, I know of no objection to the postponement of the fee schedule. It will make the program work better and will bring about more participation.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me make sure that it is clear that passage of this bill to postpone the establishment of the Headstart fee schedule in no way should be taken or read as opposition per se to the concept of a fee schedule. Rather, it is an effort to give both the Congress and the administration more time in which to more carefully calculate exactly what the effect is going to be when we establish this kind of fee schedule.

I think the bill is a good one and it ought to be supported.

Mr. Speaker, considerable concern from various quarters has accompanied the implementation of the Headstart Fee Schedule, instituted in August of this year. The schedule imposes a monthly fee on the participants in the program who come from families with annual incomes above the defined poverty level of $4,320.

The concept of the fee schedule was originally proposed within the context of the comprehensive child development bill as a means of opening the legislation to children of all backgrounds. That proposal was incorporated into the Equal Opportunity Act Amendments of 1972. Following the Presidential veto of the bill, the child development section was deleted during reconsideration, but the fee schedule was retained and attached to the Headstart program.

The pursuant application of the fee schedule has sparked a sizable controversy among those who felt it to be an inappropriate attachment to a program oriented to the poverty sector, such as Headstart.

Since the participation of the nonpoor in the Headstart program has been limited to 10 percent of all participants, only a small minority of those enrolled in the program are affected by the fees. This arrangement has apparently fostered resentments and caused some friction between the participants on opposite sides of the poverty line.

There are strong indications that nonpoor parents whose children were previously eligible for the program are now hesitant to enroll their children in Headstart because of a fee which they consider to be exorbitant. Consequently, there has been an estimated 50 percent dropoff in the enrollment of children from nonpoor families. At this point, parental income and not the child's needs becomes the prime determinant in program enrollment, a situation which runs counter to the goals of Headstart.

Aside from the problems which the fee schedule has created for some participants, the value of the schedule to the program itself has also proved questionable. Preliminary evidence from the Office of Child Development indicates that the cost of administering the fee schedule has proven to be greater than the fees collected. Because of the difficulties they have encountered, it has been reported that several Headstart units have abandoned their efforts to collect the fees entirely.

The objective of the fee schedule to create extra funding for local Headstart projects is clearly not being achieved. Indeed, by forcing lower income families who are nonetheless above the stated poverty line to remove their children from the program, the current application of the fee schedule seems to be counterproductive.

This set of conditions recommends a postponement of the fee schedule until an extensive review of the merits and drawbacks of this concept and its effects on the Headstart program can be completed. H.R. 11441 will allow the Education and Labor Committee to undertake this task.

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

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Washington (Mr. MEEDS) who has put in a great deal of work on this piece of legislation.

Mr. MEEDS. Mr. Speaker, I first became aware of the problems inherent in the Headstart fee schedule implementation when a number of concerned Indian parent groups contacted me.

The problems of implementation being cited for all Headstart programs are particularly acute for those operated on and near Indian reservations. Tribal Headstart programs in the past have been a source of unified community support. Now, with the sorting out of the poor and near-poor, Headstart is developing as a point of friction. The net effect has been that parents are finding the fees charged prohibitive and are simply withdrawing their children from the program.

While the theory of collecting a sliding scale fee for families above the poverty line may be defensible, in practice it has meant that children who should be attending the program are being left out. The fees are unrealistic, particularly as they get out of the near-poor area, and the classes are being limited effectively to the poor, thus eliminating the desired socioeconomic mix.

I have not seen one single statement indicating that the fee schedule collecting mechanism is administratively sound. I cosponsored this legislation in the belief that we should reexamine the entire Headstart program, as well as the specific issues involved in the fee schedule, before such a schedule is implemented.

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

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

Mr. BRADEMAS. Mr. Speaker, I rise in support of the bill H.R. 11441, to postpone the implementation of the Headstart fee schedule until July 1, 1975.

Mr. Speaker, I think no one in this Chamber will disagree that the Headstart program was—and still is—one of the most effective initiatives developed under the Economic Opportunity Act of 1964.

From a tentative and experimental effort in the early years, Headstart has grown to be a solid program backed by devoted parents, paraprofessionals, teachers, and children. In fiscal year 1974, the program is estimated to serve close to 400,000 children, offering them a comprehensive preschool experience.

The components of Headstart include a range of developmental activities and social services designed to fit individual needs, with a strong emphasis on parental participation in the program. The demonstrated support for Headstart has been a powerful factor in encouraging public school systems to begin their own early childhood education efforts, to begin kindergartens where none existed before, and to draw parents into school activities that build upon the parents' earlier experience.

The wide demand for programs like Headstarts far outstrips the supply of places, and has been one of the many causes which led me and other Members to press for comprehensive child development legislation in the last Congress.

Mr. Speaker, when the Congress considered amendments to the Economic Opportunity Act in 1969, we recognized a need to expand Headstart to include children of all socioeconomic levels in greater numbers. Under the existing practice at that time, which has been continued until the present, 10 percent of the enrollment in Headstart programs could be nonpoor children. But the 1969 amendments allowed further increase in the nonpoor enrollment, if outside funds covered the additional expense.

The House report noted that:

It is essential that children who come from families of modest means not be excluded.

The Senate added in its report similar language.

Mr. Speaker, I think it important to emphasize our intent in amending the legislation at that time, as we seem to have lost sight of that intent in later developments. It is indeed, to return to that original intent that I support this postponement bill before us today. Congress wanted to encourage the expansion of Headstart to include a broad mix of children. And we wanted to encourage the development of outside sources of funds, such as from other community agencies, to cover that expansion beyond the 10 percent nonpoor who were already allowed by the law to be served in Headstart without payment. We certainly never intended to make those 10 percent of Headstart families begin to "pay their own way," or to discourage people from sending their children to the program.

Despite our concern, no particular regulations or fee plans were drawn up. When the 1972 Economic Opportunity Amendments were being considered, the

fee schedule again came up, with the result that the Secretary of Health, Education, and Welfare was now directed to establish such a schedule, within specific restrictions, and he was to do so no later than April 1, 1973.

The mandated schedule was to be based on the ability of a nonpoor family to pay, and a specific level of income—$4,320 per year for a family of four—was set as the dividing line between poor families and nonpoor.

Mr. Speaker, it should not be a surprise that the proposed fee schedule, released for comment on March 7, 1973, drew a number of negative remarks as to the low cutoff point or income level at which a fee was to be charged, and the rapid rise in fees at higher income levels. Nevertheless, these comments were all ignored by HEW, and the same schedule was published as a final version on April 16, 1973. And since that time, we have been hearing from all over the country of the problems raised by this fee plan, problems which were noted in the comments, and to which we must now respond by passing the postponement measure before us.

The final fee plan, Mr. Speaker, simply does not do what Congress intended. By its high fees for them, the plan deters people of moderate means who we hoped would be attracted to Headstart to enlarge the socioeconomic mix of children. And the plan at the same time slaps a troublesome smaller fee on families with incomes around $4,000, who had been enrolling their children in Headstart without charge. It would not be surprising to find these latter families quickly becoming alienated from the program, and from those of their neighbors who, having a few dollars less income, pay nothing for their children's Headstart. As if these results are not enough, the fee schedule plan is so complex to administer that it forces Headstart staff to divert precious time and energy away from the children to filling out forms, mailing fee reminders, verifying income data, and so on.

In fact, Mr. Speaker, it seems to me from everything I have heard, that the fee schedule with which we have somehow become saddled, works precisely against the objectives we ought to be seeking. If Head Start were now a program open to any child, and if we thought we needed a mechanism to insure that services were most available to low-income children, then we might need to consider a fee schedule as a rationing device. But that is simply not the case, as we already have the clear limitation in law that only 10 percent of the free or nonpaying enrollment can be nonpoor. This fee schedule seems even to be having the effect of reducing the nonpoor participation below that 10 percent level, a travesty of our original hopes.

I wish all my colleagues, Mr. Speaker, could read some of the letters I have received from advocates for our country's children that have poured into my office and to the Office of Child Development in recent weeks. These letters tell a sorry tale of the diverse potential impacts of this fee schedule—in generating bitterness within communities and within parent boards at Head Start centers, in shutting off the willingness of moderate-income volunteers to give their time to the program now that they must pay for their child's attendance, in forcing children out of the program after 1 year if parents' incomes rise even briefly, or ending the attendance of Indian children at the only bilingual center in their area. These are the human costs of this fee schedule. And, I am told, the money income from the fees will be insignificant.

Mr. Speaker, like a number of my colleagues, I have consistently worked for programs based on children's needs, and I would like to continue doing so. The Head Start fee schedule as we now have it appears likely to move us in precisely the opposite direction—away from socioeconomic mixing for optimum development, away from continuity of programs for children regardless of slight fluctuations of parental income, and away from concentration by staff on services to children. Now that we can see these effects in a clear light, I trust we will swiftly agree to put the fees aside for a while and reconsider them in the context of renewed efforts to pass comprehensive child development legislation.

Mr. Speaker, I believe the bill H.R. 11441 deserves the support of all Members of the House of Representatives.

Mr. LEHMAN. Mr. Speaker, I rise in support of H.R. 11441, to postpone the implementation of the fee schedule in the Headstart program.

When the fee schedule went into effect last August, many persons in my district objected that the schedule was arbitrary, and was forcing the near-poor to pay for a service they could not easily afford.

Persons whose incomes are not far above the poverty line must struggle to stay above water. Many are not able to afford to pay the required fee. The result is that only the children of the poor and the more affluent are able to participate in the Headstart program. This is obviously unfair.

More thought must be given to the ramifications of the fee schedule, and consideration given to those families who are just making it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 11441.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHILD ABUSE PREVENTION AND TREATMENT ACT

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1191) to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes as amended.

The Clerk read as follows:

S. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Protection and Treatment Act".

THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") shall establish an office to be known as the National Center on Child Abuse and Neglect (hereinafter referred to in this Act as the "Center").

(b) The Secretary, through the Center, shall—

(1) compile, analyze, and publish a summary annually of recently conducted and currently conducted research on child abuse and neglect;

(2) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of child abuse and neglect;

(3) compile and publish training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect;

(4) provide technical assistance (directly or through grant or contract) to public and nonprofit private agencies and organizations to assist them in planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect; and

(5) conduct research into the causes of child abuse and neglect, and into the prevention, identification, and treatment thereof.

DEFINITION

SEC. 3. For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary.

DEMONSTRATION PROGRAMS AND PROJECTS

SEC. 4. (a) The Secretary, through the Center, is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations (or combinations thereof) for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect. Grants or contracts under this section may be—

(1) for the development and establishment of training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of the prevention, identification, and treatment of child abuse and neglect; and training programs for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;

(2) for the establishment and maintenance of centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect cases, to provide a broad range of services related to child abuse and neglect, including direct support and supervision of satellite centers and attention homes, as well as providing advice and consultation to individuals, agencies, and organizations which request such services;

(3) for furnishing services of teams of professional and paraprofessional personnel who are trained in the prevention, identification, and treatment of child abuse and

neglect cases, on a consulting basis to small communities where such services are not available; and

(4) for such other innovative programs and projects, including programs and projects for parent self-help, and for prevention and treatment of drug-related child abuse and neglect, that show promise of successfully preventing or treating cases of child abuse and neglect as the Secretary may approve.

(b)(1) Of the sums appropriated under this Act, not less than 5 per centum may be used by the Secretary for making grants to the States for the payment of reasonable and necessary expenses for the purpose of assisting the States in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

(2) In order for a State to qualify for assistance under this subsection, such State shall—

(A) have in effect a State child abuse and neglect law which shall include provisions for immunity for persons reporting instances of child abuse and neglect from prosecution, under any State or local law, arising out of such reporting;

(B) provide for the reporting of known and suspected instances of child abuse and neglect;

(C) provide that upon receipt of a report of known or suspected instances of child abuse or neglect an investigation shall be initiated promptly to substantiate the accuracy of the report, and, upon a finding of abuse or neglect, immediate steps shall be taken to protect the health and welfare of the abused or neglected child, as well as that of any other child under the same care who may be in danger of abuse or neglect;

(D) demonstrate that there are in effect throughout the State, in connection with the enforcement of child abuse and neglect laws and with the reporting of suspected instances of child abuse and neglect, such administrative procedures, such personnel trained in child abuse and neglect prevention and treatment, such training procedures, such institutional and other facilities (public and private), and such related multidisciplinary programs and services as may be necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State;

(E) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, his parents or guardians;

(F) provide for the cooperation of law enforcement officials, courts of competent jurisdiction, and appropriate State agencies providing human services;

(G) provide that in every case involving an abused or neglected child which results in a judicial proceeding a guardian ad litem shall be appointed to represent the child in such proceedings;

(H) provide that the aggregate of support for programs or projects related to child abuse and neglect assisted by State funds shall not be reduced below the level provided during fiscal year 1973, and set forth policies and procedures designed to assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of State funds which would, in the absence of Federal funds, be available for such programs and projects;

(I) provide for dissemination of information to the general public with respect to the problem of child abuse and neglect and the facilities and prevention and treatment methods available to combat instances of child abuse and neglect; and

(J) to the extent feasible, insure that parental organizations combating child abuse and neglect receive preferential treatment.

(3) Programs or projects related to child abuse and neglect assisted under part A or B of title IV of the Social Security Act shall comply with the requirements set forth in paragraph (2).

(c) Assistance provided pursuant to this section shall not be available for construction of facilities; however, the Secretary is authorized to supply such assistance for the lease or rental of facilities where adequate facilities are not otherwise available, and for repair or minor remodeling or alteration of existing facilities.

(d) The Secretary shall establish criteria designed to achieve equitable distribution of assistance under this section among the States, among geographic areas of the Nation, and among rural and urban areas. To the extent possible, citizens of each State shall receive assistance from at least one project under this section.

AUTHORIZATIONS

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

SEC. 6. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint an Advisory Board on Child Abuse and Neglect (hereinafter referred to as the "Advisory Board"), which shall be composed of representatives from Federal agencies with responsibility for programs and activities related to child abuse and neglect, including the Office of Child Development, the Office of Education, the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Social and Rehabilitation Service, and the Health Services Administration. The Advisory Board shall assist the Secretary in coordinating programs and activities related to child abuse and neglect administered or assisted under this Act with such programs and activities administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

(b) The Advisory Board shall prepare and submit, within eighteen months after the date of enactment of this Act, to the President and to the Congress a report on the programs assisted under this Act and the programs, projects, and activities related to child abuse and neglect administered or assisted by the Federal agencies whose representatives are members of the Advisory Board. Such report shall include a study of the relationship between drug addiction and child abuse and neglect.

(c) Of the funds appropriated under section 5, one-half of 1 per centum, or $1,000,000, whichever is the lesser, may be used by the Secretary only for purposes of the report under subsection (b).

COORDINATION

SEC. 7. (a) The Secretary shall promulgate regulations to guarantee that other programs which are assisted by Federal funds and are related to child abuse and neglect will be coordinated with programs assisted under this Act.

(b) The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that suitable programs related to child abuse and neglect under this Act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans developed as provided in part B of such title, and that there is effective coordination between such programs assisted under this Act and the programs of aid and services under such title IV.

The SPEAKER pro tempore. Is a second demanded?

Mr. ESHLEMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I rise in support of S. 1191, as amended, a bill to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes.

Mr. Speaker, the Select Subcommittee on Education, which I have the honor to chair, held 4 days of hearings on S. 1191 and related measures—legislation cosponsored by over 100 Members of this body. During these hearings, Mr. Speaker, the subcommittee received testimony from a wide variety of witnesses, including parents, educators, doctors, and lawyers.

I should, at the outset, Mr. Speaker, express my appreciation to the chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS) for his assistance in moving this legislation through the committee.

In addition, I should thank the ranking minority member of the committee, the gentleman from Minnesota (Mr. QUIE) as well in particular, the gentlemen from New York (Mr. BIAGGI and Mr. PEYSER) for their very valuable contributions to this legislation. Both Mr. BIAGGI and Mr. PEYSER introduced original bills on this subject. Mr. BIAGGI has labored for many years to bring this legislation to the floor of the House.

Finally, Mr. Speaker, I should say a special word of thanks to the gentlelady from Colorado (Mrs. SCHROEDER) who although not a member of the Committee on Education and Labor, worked tirelessly on this legislation during the committee hearings.

PROVISIONS OF THE BILL

Mr. Speaker, the legislation before us today provides for a National Center on Child Abuse and Neglect and a National Advisory Board on Child Abuse and Neglect and authorizes the Secretary of the Department of Health, Education, and Welfare, and through the National Center, to make grants and contracts for demonstration programs designed to identify, prevent, and treat child abuse and neglect.

The bill also authorizes appropriations of $15 million for fiscal year 1974, $20 million for fiscal year 1975, and $25 million for fiscal year 1976, to carry out the purposes of this act, of which not less than 5 percent may be used for making grants to States for the purposes of assisting in the development, strengthening, and implementation of child abuse and neglect prevention and treatment programs.

NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

Mr. Speaker, the National Center on Child Abuse and Neglect authorized by this measure, will compile, analyze, and publish annually, a summary of research on child abuse and neglect.

The Center will also develop an information clearinghouse on child abuse programs, and will publish training materials for personnel in fields dealing with child abuse, conduct research in the area of child abuse and neglect, as well as provide technical assistance to public and nonprofit agencies, and organizations concerned with this problem.

ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

The Advisory Board on Child Abuse and Neglect, Mr. Speaker, will be composed of representatives of the various Federal agencies responsible for programs and activities related to child abuse and neglect, such as the Office of Child Development, the Office of Education, and the National Institute of Education.

The principal function of the Advisory Board will be to assist in coordinating Federal programs and activities, developing standards for such programs, and preparing a report on the programs assisted by the various Federal agencies represented on the Advisory Board.

SECRETARIAL FUNCTION

Mr. Speaker, this act authorizes the Secretary of the Department of Health, Education, and Welfare, through the National Center, to make grants and contracts for demonstration programs and projects designed to prevent, identify, and treat child abuse and neglect.

Such funds may be used for personnel training as well as training programs for children and persons responsible for their welfare in methods of protecting children from such dangers.

The committee has also provided, Mr. Speaker, that the grants and contracts may be used to establish multidisciplinary centers to deal with child abuse and neglect, for furnishing personnel services to small communities, and for other innovative approaches.

NEED FOR LEGISLATION

Mr. Speaker, although the administration originally took the position that this legislation was not necessary, the sad fact is, as the witnesses before my subcommittee demonstrated, that we must approve this bill.

For each year in this country, thousands of innocent children are beaten, burned, poisoned, and otherwise abused by adults. Indeed, Mr. Speaker, so severe are these injuries, that an undetermined number of children die each year at the hands of their parents, guardians, and other custodians.

Evidence of the severity of this problem, Mr. Speaker, is the widely accepted estimate that 60,000 cases of child abuse are reported annually.

In New York City alone, more than 13,000 cases of child abuse, or suspected abuse, have been reported to date during 1973.

And the tragedy of these figures, Mr. Speaker, is that they only point to the tip of the iceberg. For there is unanimous agreement among the experts in this field, as well as among the witnesses who testified before my subcommittee, that only a small proportion of maltreated children ever come to the attention of the appropriate authorities.

With these figures staring us in the face, Mr. Speaker, I repeat again that we must act now on behalf of these children and approve this legislation.

ADMINISTRATION POSITION

Mr. Speaker, I should tell my colleagues that although the administration originally opposed enactment of this measure, we have been able to work out a compromise with the Secretary of the Department of Health, Education, and Welfare, in order to gain the administration's support.

The administration's original opposition, Mr. Speaker, was based on the claim that sufficient authority existed in the Social Security Act to provide for programs dealing with child abuse and neglect.

Stanley B. Thomas, Jr., Assistant Secretary for Human Development in the Department of Health, Education, and Welfare, advised the committee that the Department shared the "urgent desire to prevent these tragic events."

Indeed, Mr. Speaker, Mr. Thomas went on to credit the interest and dedication of Congress in the problems of child abuse with the stimulation of the Department of Health, Education, and Welfare, to increase efforts to deal with these problems. But he went on to say that he did not believe that this new legislation was needed.

When the committee learned, however, that only $507,000 were spent in fiscal year 1973 on activities related to child abuse, it determined that the administration's original position could not be accepted. Subsequently, Mr. Speaker, following extensive negotiations between members of the committee and members of the Department of Health, Education, and Welfare, the administration has reconsidered its position and indeed assisted the committee in developing the legislation before us today.

I should, in this regard, Mr. Speaker, draw to the attention of my colleagues, a letter of November 29, 1973, to me, from the Honorable Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare. Said Secretary Weinberger:

> I understand that a number of objectionable features of some of the bills on this subject (child abuse) which were originally considered by the Subcommittee, have been deleted.

And the Secretary continued:

> As the Department has testified before your Subcommittee, and the parallel Senate Subcommittee, we are already deeply and firmly committed to substantial and enhanced efforts to cope with the problem of child abuse and neglect.

Concluded Mr. Weinberger:

> Thus the Administration is supportive of many of the objectives of this bill and is implementing a number of them currently. Hence the Administration does not oppose the measure in its present form.

CONCLUSION

Mr. Speaker, the bill before us today provides some modest funding, and a central agency, so that the Federal Government might demonstrate some leadership in helping address the appalling problems of abused and neglected children.

The bill enjoys the unanimous support of the public witnesses who appeared before my subcommittee, and it enjoys the unanimous support of those members of the Committee on Education and Labor who thought it important to be present for the committee markup on the measure.

Finally, Mr. Speaker, the Administration has indicated to me its support of the measrue.

Mr. Speaker, in February 1969, President Nixon told Congress:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

Mr. Speaker, the measure before us today can help provide such an opportunity for healthful and stimulating development for thousands of abused and tortured children. I urge my colleagues to join with me in support of S. 1191 as amended.

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

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

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

I compliment the gentleman on this legislation which meets an urgent need. When considered in light of the 60,000 incidents of child abuse recorded in the United States each year, the legislation considered here today is of great import.

In New York City alone, 10,000 cases of child abuse were reported last year, and this figure is only the tip of the iceberg.

When I testified before the Select Education Subcommittee on this bill, I urged the adoption of a most comprehensive program to combat the evils of child abuse, because of the failure of the Federal Government to provide effective leadership in preventing, identifying, and treating the adult and infant victims of abuse. I felt then, as I do today, that the problem must be dealt with across the board, from the collection and dissemination of definitive information on abuse, to programs designed to develop innovative treatment techniques, to providing incentives for the States to enact mandatory reporting laws.

The bill before us today goes a long way toward achieving that goal.

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

Mr. BRADEMAS. I am delighted to yield to the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I likewise want to compliment the distinguished gentleman from Indiana (Mr. BRADEMAS) and the entire subcommittee, as well as many others for the good piece of legislation the gentleman from Indiana has

pursued and persevered and offered to bring to the floor.

Mr. Speaker, I rise in support of S. 1191, the Child Abuse Prevention and Treatment Act. More than 100 Members of the House have cosponsored this important legislation.

I want to make specific mention of our colleagues, Mrs. SCHROEDER, Mr. PEYSER, and Mr. BIAGGI, for the leadership roles they have played. Also, I wish to commend the chairman of our Select Subcommittee on Education and the members of the subcommittee on both sides of the aisle for the expeditious way in which this needed legislation has been handled.

The need to pass this bill is obvious. Each year in the United States, there are over 60,000 reported, and a countless number of unreported cases of the abuse and neglect of innocent children. The Select Subcommittee on Education held 4 days of hearings, including 1 day in New York City, where members of the subcommittee visited the child abuse treatment center of the New York Foundling Hospital and saw first hand the seriousness of this problem. Also, the many witnesses, among them doctors and hospital administrators, testified to the horrors and disgraces of the child abuse problem.

Mr. Speaker, there are no easy answers to the child abuse problem, and there is no one solution which can be offered. Responsibilities for the prevention, identification, and treatment of child abuse rest at all levels of government and in both public and private agencies. While it will not be a panacea, I am convinced that S. 1191 will provide an important tool in the effort to curb child abuse. It will do that in the following ways:

First, the bill proposes to establish a National Center for Child Abuse and Neglect in the Department of Health, Education, and Welfare. This center will be responsible for compiling, analyzing, and publishing an annual summary of research on child abuse and neglect. It will also act as a clearinghouse for information on child abuse programs.

Second, there is a provision for demonstration grants and contracts to a wide variety of recipients for any array of programs and projects which would help prevent, identify, and treat child abuse.

Third, another proposal will provide for the appointment, by the Secretary of Health, Education, and Welfare, of an advisory board made up of representatives of various Federal agencies with responsibility for programs and activities related to child abuse and neglect. This will provide for a more coordinated Federal role in this area.

Fourth, the bill authorizes the appropriation of $15 million for fiscal year 1974, $20 million for fiscal year 1975, and $25 million for fiscal year 1976. These amounts are a small price to pay in order to help insure the safety of our children and combat this serious problem.

Mr. Speaker, I do hope we have no votes against the measure. It deserves the full support of the House.

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

Mr. BRADEMAS. I yield to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, many years ago when I was first becoming active in public life in my home State of Washington, I came face to face with cases of child abuse and neglect while serving as prosecuting attorney for Shohomish County. Concern for these children and the family tragedies they represented led me to mobilize statewide support for a State statute to deal with the problem.

My concern has continued and, indeed, grown with the years as I read statistics and news accounts of a growing problem. These children need help, trained help, compassionate help, available help. One of the more tragic aspects of child abuse and neglect is that what comes to our attention is only the tip of the iceberg, and many children suffer abuse and molestation without ever the fact being known or the child knowing that there are adults who could help.

I am cosponsoring the "National Child Abuse and Neglect Prevention and Treatment Act" to try to provide some remedies. It is my hope that Congress' passage of this bill will demonstrate our commitment to a broad-based program providing national leadership in fighting this pernicious problem. The bill will create a national center to serve as coordinator and information clearinghouse on all programs dealing with child abuse and neglect. Also the center will provide technical assistance to public and nonprofit agencies and conduct research into causes, identification, prevention, and treatment.

Additionally, the bill provides funds for training grants for personnel working with child abuse cases and grants for new approaches seeking to get at the root cause of child abuse and neglect, including parent self-help organizations.

I see this legislation as a first step nationally with a problem we have avoided too long. Some States, including my own State of Washington, have had legislation and programs for a number of years. This legislation will support these States in their efforts and offer impetus to others to provide information programs, personnel training, and other programs to assist in the development, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

Mr. ESHLEMAN. Mr. Speaker, the bill before us today relates to a subject which must horrify any thinking, feeling, concerned individual. It concerns the abuse and neglect of the most vital element in our society, that is, our children and the manner in which some parents and guardians treat their children. It is not a pleasant subject. In fact, the evidence that our committee has been shown is revolting. It is certainly not easy to talk about, but it was less easy to watch pictures of it. Last September experts in the field made a slide presentation to Members of Congress and their staffs on this subject. For over an hour the most grotesque examples of the way children in this country are abused and/or neglected by their parents were shown.

What Members saw were children who had been beaten, bitten, dipped in scalding hot water, burned; children with broken arms, legs, and fractured skulls; infants who had been burned with cigarettes; those who were scarred as a result of having been placed on electric burners. There were babies who had not been fed who looked like skeletons with skin, and a child who was six weeks old and had not been washed and still had afterbirth on parts of its body. There were children who slept in urine and excrement and because they are never washed have the matter caked on the body. Some children lived in such filthy conditions that they had maggots crawling over them. There were pictures of a child who had crawled between the mattress and springs of a bed apparently playing and was crushed to death by its mother who was high on drugs. And finally they told about the plight of a prize baby gorilla in a New York zoo which had been beaten and abused by its mother and was taken away and treated by another zoo. They described the extended fight for custody of the gorilla and the money that was spent to protect it. At the same time a slide of a child who looked like a skeleton was shown. The child, it was concluded, died of starvation when the autopsy found that there was absolutely nothing in its intestines. While there are no accurate statistics, HEW estimates that there are between 60,000 and 500,000 children in this country who are abused and neglected like this. This was the dramatic takeoff for the hearings held by the Education and Labor Committee. The hearings produced evidence that the problems were not related to any city, State, or any particular geographic area but it is a common problem which can be found everywhere.

It is important for me to stress that in my opinion a solution to these problems cannot and will not be found strictly through the Federal Government intervention. This is primarily a State and local matter. Every State has at least one law concerning child abuse and neglect on its books. The problem is that these laws are unevenly enforced. The bill before us today I believe, although it provides relatively few dollars, will provide the stimulus and the catalyst through which States will be encouraged to do more to help children within their own States. In order to qualify for funds States will have to certify to the Secretary that sufficient laws and procedures are in place to address the problem before they can receive funding. I see the Federal money as filling in the gaps. Also, since there is a specific maintenance of effort provision in the bill, States may not use this money as a substitute for funds that they are already expending in this area.

In regard to the legislation itself I must observe that once again this is an example of how the administration and the Congress can work together to develop meaningful legislation. When this legislation was first considered in the Senate, the administration officially op-

posed it. However, since that time almost 9 months ago, as a result of the initiatives taken by the Congress, they initiated some new programs of their own which they acknowledged were a direct result of the interest, dedication, and stimulation of the Congress. In recent weeks members of the committee worked closely with Under Secretary Frank Carlucci and Assistant Secretary for Human Development Stanley Thomas, Jr., in developing the bill before us today. Since the administration had some very strong objections to the original bill, we explored alternatives to it and, I believe, outside of the authorizations, that we recommendated every single request and/or objection raised by the administration. But of prime importance to me is that in spite of the modification, we still came out with a very significant bill which will bring to the American people a vehicle through which the States can more effectively attack the problems of child abuse and neglect. Because of the agreements we worked out, the administration has advised us that it will raise no further objections to this legislation.

Mr. Speaker, because this bill enjoys overwhelming bipartisan support, because it addresses a fundamental need in the country today in a direct and straightforward manner, and because the administration is not opposed to it, I am hopeful that every Member on the floor today will agree with me that this is a bill worth supporting.

Mr. Speaker, I yield to the gentleman from New York (Mr. PEYSER) as much time as he may consume.

Mr. PEYSER. Mr. Speaker, this piece of legislation that has been before our committee, and on which we have had hearings over the past several months, is a piece of legislation that I believe is needed and is in such demand in this country that I am convinced that the House of Representatives will move nearly unanimously to support this legislation today.

I was sorely tempted today to bring and place in the lobby a series of pictures that we had collected in our hearings that vividly portray some of the situations that exist in this child abuse problem. I decided not to do this, because basically the pictures that are involved—and we have seen hundreds of them—are so unbelievable and so horrible that I decided not to show them in public.

I have compiled a list here which describes some of the horrors inflicted on children in every State in the Union.

One of the big problems has been the reporting method and the handling of child abuse and neglect cases, not only in our hospitals and our schools but in our courts. In some States, while there are regulations, absolutely nothing is done to protect the child and there is no place to pull together all of this information and no place to work as a united organization to come up with suggestions on what do we do to prevent child abuse.

What do we do to help the parents, because these are sick people? While we can take one child away from a parent, if we have no way of helping that parent, he may have other children and the same thing will happen to those children.

One of the interesting things and tragic things that we learned in our studies was that traditionally the child that is abused and survives, when he has or she has children, they end up being child abusers. It is a syndrome that they just cannot get out of, so we must have an agency that will be directed solely to this effort of studying and coming up with a method of curing these problems, we are dealing with literally hundreds of thousands of children that are beaten, scaled, burned, sexually abused, tortured, neglected, starved; everything one can think of that is horrible has been happening to hundreds of thousands of children in our country.

It really is about time that we specifically direct our efforts toward doing something about it. I heard the Chairman speak of the support by the administration, however I would like to read the last paragraph of the letter from the Secretary of Health, Education, and Welfare, Mr. Weinberger. He says, and I quote:

> We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the administration's programs.

Mr. Speaker, I would ask that hopefully this bill, when it comes up to a vote, that there will be very few dissenting votes on this program. It is definitely needed for the good of the future of thousands of our children. I know we are going to go ahead and pass this legislation.

Mr. ESHLEMAN. Mr. Speaker, I yield 6 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, the physical abuse of a child is one of the most tragic and abhorrent crimes in our society. Each day, children are being savagely beaten, starved, scalded, stabbed, drowned, raped and tortured. Frequently, the child is battered by a parent or guardian—and, ironically, the youngster often will grow up to be the child-abusing parent of tomorrow.

Some of the causes of child abuse appear preventable and treatable. However, a major difficulty has been the lack of specific information on the problem and its scope. For example, estimates on the number of child abuse cases vary from 60,000 to 500,000 a year. Clearly, many, many cases go unreported and when we learn about them, it frequently is too late.

But by any standard, child abuse has reached epidemic proportions in America, and there is a clear and urgent need to protect our children. As parents, we can deplore the problem; as legislators, we have a duty to do something about it.

Adoption of the Child Abuse Prevention and Treatment Act is a significant step toward effectively attacking this long-neglected crime. I am concerned, however, that this legislation is too restrictive in limiting the definition of the abuser to persons responsible for the child's welfare.

The House version of SX1191, in the definition of the child abuser, prevents the use of this program to study the molesting stranger. The sick stranger who tortures, rapes and murders an innocent child must be dealt with as well.

The American Humane Association estimates that 25 percent of all abuse cases involve a stranger to the child. Nothing is more henious than the abuse of a defenseless child by a parent, a guardian—or a total stranger. Those youngsters who survive the onslaught often carry physical and emotional scars for the rest of their lives.

My heart went out to the parents of Tasha Semler, the child who was molested and tortured to death recently at the Madiera School in suburban McLean, Va. In my own 10th Congressional District of Massachusetts, we were shocked and saddened by the brutal rape and murder of 14-year-old Lori Lee Scher of Mansfield, a little more than a week ago.

These were not abuses by parents; they were the acts of sick strangers who should not be allowed to roam free in our society.

The Semler parents, in testimony before the House Education and Labor Committee, made a moving appeal for a provision in the Child Abuse and Prevention Act to cover child molestation by a stranger. Unfortunately, the question was left open.

I would urge, therefore, that the conferees will remove the restrictive definition which limits the scope of the program to abuse cases involving only parents and others responsible for the child's welfare—thus effectively ignoring 25 percent of all abuse cases. Conscience demands that we act to end the savage abuse of all America's children.

Mr. BRADEMAS. Mr. Speaker, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I shall be glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. First, let me say, Mr. Speaker, that I am very grateful for the support of the bill on the part of the gentlewoman from Massachusetts.

I am happy to say that we on the subcommittee have taken into account precisely the problem to which the gentlewoman addressed herself, and she will see that particularly, as a result of our colloquy with Mr. and Mrs. Semler, we provided in the bill in Section 4(a)(1) authority for training programs for children in methods of protecting themselves from child abuse and neglect.

And second, although the bill does not direct itself to children who may be abused or neglected by persons who do not have some kind of custodial or parental responsibility for such children, we have considered this particular dimension of the child abuse problem. The reason we did not go beyond child abuse and reflect by persons having custodial or parental responsibilities is that our committee was made aware that if we did so, we would have gotten into the whole question of the criminal laws at the State and Federal level. In addition, it was the committee's judgment that other authority existed which could be directed at meeting the problems posed by the abuse and neglect of children by individuals other than those with custodial or parental responsibilities.

However, Mr. Speaker, I want to give the gentlewoman my assurance that it is my own understanding that with respect to the question to which she also

made reference, namely, that of conducting research into the causes of child abuse and neglect, I see no reason to restrict such research only into abuse and neglect on the part of parents or custodians.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I thank the gentleman for his explanation and analysis, which is a significant addition to the legislative history of this bill.

The gentleman is to be congratulated for his work on this bill, together with (Mr. PEYSER) the ranking minority member and the other members of the committee. This is more evidence of their long interest and hard work in the field of legislation benefitting children which is such a crucial legislative issue.

At the same time I would like to add that it has been our experience in the Congress that when we restrict the terminology or the language of any act, the executive branch will take the most restrictive interpretation of the act. I am very concerned that the Department of Health, Education, and Welfare, in applying this act, will apply it so as to omit the very group to which the gentleman is referring.

Mr. Speaker, I would say, in view of the legislative history that the gentleman has developed, the gentleman from Indiana has made it very clear that the scope of the act was intended to go beyond the exact language, and include all types of child abuse.

The definition contained in section 3 of this act, is as follows:

> For purposes of this Act the term "child abuse and neglect" means the physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of eighteen by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened.

As a result of the restrictive wording of this definition, it would be very easy for the Department of Health, Education, and Welfare to omit the broader purposes of the act, as the gentleman from Indiana has so well described them. I therefore urge that section 3 be removed in conference to make sure that the full purpose of this legislation is realized.

Mr. BRADEMAS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York (Mr. BIAGGI) who has been a tireless and vigorous proponent of this legislation.

Mr. BIAGGI. Thank you, Mr. Chairman.

Mr. Speaker, I rise in support of this bill which will establish for the first time a broad-based program to treat and prevent child abuse and neglect. In many respects this may be called the bill of rights for the minor child. Chairman BRADEMAS is to be congratulated for his leadership, initiative and interests in this issue.

Since 1969, in each of the last three Congresses, I have introduced legislation of this nature and sought its enactment into law the first time this problem was addressed in the Congress. Until this year I felt as if I were a lone voice crying in the wilderness, but through the efforts of many in the country such as Dr. Vincent Fontana, director of the foundling home in New York, and others, who made me aware of the acuteness of the problem some 15 years ago, the matter has been brought forcefully before the public and Congress has responded. The efforts of Senator MONDALE, Congressman BRADEMAS, SCHROEDER, and PEYSER must be recognized as well. At long last, these little children can have hope for protection and their parents will soon be receiving treatment for their problems that lead to abuse and neglect of their children.

The problem has been closeted away for too long. During my 23 years as a member of the New York City Police Department, I saw too many instances of child abuse. The lack of adequate reporting laws, the absence of a mechanism to remove children from the home of a known abuser, the failure of medical personnel and social workers to recognize a child abuser and to treat him were evident to me again and again. Last year over 700 children died in these United States as a result of abuse and neglect. Over 200 of them were in New York City alone. Child abuse is the leading cause of death among infants and young children. We are talking about an epidemic—of such proportions that if it were the plague or some other communicable disease, a state of emergency would have been declared and special task forces set up to deal with the problem. Yet virtually nothing is being done and countless numbers of children are injured and die each day as a result of abuse and neglect.

This bill is not the only answer or the final answer to the problem. It is only a start—a first step. The dollar amounts appropriated and the special programs that will be set up will hardly make a dent in the estimated 60 thousand cases that will be reported next year, an estimate that is less than 15 percent of the total cases that will actually occur.

This bill, however, will do some important things to start the machinery for an all-out attack on child abuse and neglect. It will establish a National Center on Abuse and Neglect in the Department of Health, Education, and Welfare to coordinate and centralize Federal efforts in this area and to act as a clearing house for information among those working in the field with the problem.

The measure authorizes $55 million over the next 3 years to establish demonstration grants operated by both public and private agencies and to assist the States in beginning initial planning for their own systems to deal with child abuse.

It is in the latter category where additional funds will have to be spent in years to come to assure an end to child abuse and neglect. The demonstration grant program is a sound initial procedure, but ultimately we will have to work through the States and their health agencies. The initial planning assistance in the bill is the start of this more comprehensive program. I want to eventually see State programs that have training centers for doctors, medical support personnel, welfare and social workers, and law enforcement officers. I want to see plans that meet specific standards for reporting laws designed to make certain we can find the child abuser and then treat him. These plans should allow the courts to take emergency custody of the child immediately to insure his physical safety. These plans should call for mandatory psychiatric testing of the abusing parent so we can avoid the terrible mistake of returning a child to a battering parent.

Demonstration grants alone will not meet these needs and thus eventually solve the problem. They will help formulate the basis for the operations at the State level by the public agencies.

I want to emphasize quite clearly that while the funds allocated here are quite small, some portion must go to help States begin the initial planning for future comprehensive State approaches to the treatment and prevention of child abuse and neglect. Without this start of planning we will never be able to end the problem. Remember, child abuse and neglect is a continuous, self-feeding process. The abused child of this generation is the battering parent of the next generation. To break this cycle we must attack this problem forcefully at the State level and to do that Federal aid will be necessary.

Nevertheless, before you start a major program, the first step must be taken. We are taking that first step today by passing this bill. Let this not be a token step to appease those calling for reform in this area. I will not let the matter rest until child abuse and neglect is unheard of in this civilized society called America.

Mr. ESHLEMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, it would seem that nobody but a fool or really a hard-boiled person could possibly step up here and oppose this bill. Well, perhaps the first adjective fits me, but I am not a cruel man. There is no one, not even my bachelor friend, the gentleman from Indiana (Mr. BRADEMAS) who has more compassion and love for children in this body than I do. Nobody could possibly have. And if there is anything that I really hate and detest it is to see a child abused in any way.

But let me remind my good colleagues that in this country we have some things to do in this Congress other than to concern ourselves with emotionalism. And we are here this afternoon using emotionalism to expand the Federal bureaucracy to the tune of $60 million.

I believe that every State has child abuse laws. There are faults in these laws, and there are faults in the carrying out of them. In other words, one of the great problems is to get the doctor to state that there has been abuse of a child when the child is brought in. There is this relationship between the doctor and patient that presents us with some problems. However, I have here a copy of the November 28 issue of the Vidette-Messenger, printed in my hometown of Valparaiso, Ind., which carries a front page report on a child-abuse trial underway right now. Reportedly the mother of the victim is to be the first witness. It appears that while her boyfriend was visiting, the child kind of disturbed their lovemaking, to quiet the child, the boy-

friend beat the child nearly to death. Well, he is in court, and it will be up to a jury of responsible people to decide whether that man should go to prison. The serious question is whether or not the jury will give him the good stiff prison sentence he ought to have even if proven guilty.

But to get this matter involved into the Federal bureaucracy, starting out with $60 million, and that is just the beginning. Where do we go from there? And I have stood on this floor and spoke on many bigger pieces of legislation.

This of course is a very small amount of money when compared with our annual $260 billion budget. But it is another grain of sand on the scales, scales that are already tipped heavily toward fiscal chaos. We now have $475 billion national debt with an annual interest bill of approximately $29 billion, the third largest item in our budget. Congress should be concerned about our fiscal situation. Most certainly, more responsible actions are in order. In fact, I think the Congressmen who are pushing these proposals such as this should step right up here and tell us exactly how they want to sock it to the taxpayers to pay for them.

I submitted my individual views in the report on the bill. I certainly hope that there will be at least a record vote. I hope some of the Members will pay attention to what I have had to say.

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

Mr. LANDGREBE. I yield to the gentleman from Louisiana.

Mr. TREEN. I thank the gentleman for yielding.

I would certainly agree with the gentleman from Indiana in the statement the gentleman made concerning his feelings toward children. I, like most of the other Members in this body, have children.

But there are certain provisions of this bill that seem to me amount to the establishment of new precedents in forcing the States to write their criminal laws as Congress directs. Particularly, on page 12, the bill provides that no State grant may be made unless the State passes a certain type of law, and even goes so far as to require that the State provide immunity from prosecution for persons reporting instances of child abuse and neglect. It is not a question of whether we think these things need correction, it is a question of whether we in this Congress should be dictating how these several States should write their criminal laws. It also seems to me it would be very easy to go from this to a young adult abuse act.

There are lots of horrible crimes committed against persons above the age of 18. There are lots of old folks being abused. It just seems to me that this bill, however laudable the purposes, and I certainly support measures to end child abuse, opens the door wide to eliminating the criminal laws of the various States by invading the prerogative of the States in this particular area. I just wonder whether anyone can tell me why we had to go to the point of telling the States that they must provide an immunity provision? Why do we go so far as to tell the States how they must write their criminal laws?

Mr. LANDGREBE. While this liberal controlled Congress has been ignoring States rights for years I cannot give the gentleman from Louisiana an answer. Perhaps somebody else on the Education and Labor Committee can answer that question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADEMAS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Colorado (Mrs. SCHROEDER), an original sponsor of the bill, and a mother of two.

Mrs. SCHROEDER. Mr. Speaker, I want to express my deep appreciation to my colleague from Indiana (Mr. BRADEMAS) for the initiative and leadership he has shown as chairman of the Select Education Subcommittee in shepherding this child abuse legislation through committee. Mr. BRADEMAS has given a great deal of energy, intelligence and constructive effort to fashioning the compromise measure we have before us today.

On March 29 of this year I introduced H.R. 6380, which has the bipartisan cosponsorship of 72 other Members of the House. The bill was introduced as a companion measure to S. 1191, which was sponsored by Senator MONDALE and passed by the Senate on July 14. The Select Education Subcommittee held 4 days of hearings on H.R. 6380 and several similar measures. I had the honor of sitting in on these hearings and listening to the testimony of doctors and social workers, lawyers and psychiatrists, parents who had abused their children, and many other concerned persons. We saw gory examples of the horribly battered and burned bodies of children who were the victims of maiming or fatal abuse at the hands of those responsible for their care.

The bill before us today gives national attention and priority to a problem that cannot and should not be ignored. Although the seriousness of child abuse and neglect has been recognized by workers in the field for years, it was not until very recently that the general public has started to realize the immensity and pervasiveness of the problem. Testimony revealed that the incidence of reported abuse ranges from estimates of 60,000 cases nationwide each year, to 13,000 cases a year in New York City alone. State and local programs to deal with this massive problem are still for the most part fragmented and ineffective. There is no real Federal program, although the administration, galvanized into action by the initiative taken by Congress in developing this legislation, has shown some signs of awakening to the problem.

It is encouraging though to know that a few promising approaches are being developed. In Denver, for example, the National Center for the Prevention and Treatment of Child Abuse has developed a successful method that can serve as a model treatment program. Finding the traditional single-disciplinary social services approach inadequate to meet the complex medical, social, and legal issues surrounding child abuse, the Denver Center has developed a team approach combining the skills of social workers, physicians, psychiatrists, nurses, laypersons and attorneys. The Center has also incorporated into its program a parent self-help group, Parents Anonymous, which gives troubled parents the support of others who are successfully dealing with the same problems. In addition to actual treatment and followup services the Center also provides training for outside individuals and groups. The results of the multidisciplinary approach used there have been startling: 80 percent of the children treated can be returned to their natural parents within 8 months with no repetition of abuse.

S. 1191 and H.R. 6380 provide the needed Federal focus and initiative to stimulate the growth of such centers throughout the country by providing grants to the many groups that have demonstrated a commitment to multidisciplinary or other innovative methods of treating and preventing abuse and neglect. While funding programs that are providing actual services to protect the thousands of children who are suffering permanent physical and mental damage each year, the bill also provides support for further study of the underlying causes and possible solutions of the disease. The bill also establishes the National Center on Child Abuse and Neglect, in the Department of Health, Education, and Welfare, which would serve as a central clearinghouse to collect and disseminate information on research and current programs.

It is clear that we do not at this time have the resources to set up and fund a comprehensive nationwide system for the prevention and treatment of child abuse and neglect. Rather, the purpose of the bill is to serve as a catalyst to stimulate the growth of programs and projects that will provide a base for future growth. As part of this basic structure, the committee recognized the need to upgrade existing State programs. Although the main focus of the bill is the demonstration grant program, the committee amended the bill to set aside 5 percent of the total grant funds appropriated to assist States in planning and developing State child abuse programs. It is understood that the amount of funds set aside for this purpose cannot begin to meet all the needs of the States. However, by tying the State funds to requirements for specific minimal State plans, the committee hopes to spur the States to strengthen and expand their own programs. It should be noted that the funds provided directly for the States are not specifically channeled through the State services programs authorized by title IV–A and IV–B of the Social Security Act. This was done to allow greater flexibility on the part of the States in deciding how best to approach the problem. Many States, for example, are developing offices of child development which might be recipients of the grants. A separate section of the bill requires that IV–A and IV–B moneys be spent in accordance with the requirements set forth for the States.

Mr. ESHLEMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

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

Mr. Speaker, I just wanted to point out that a question was raised on immunity and why we have to get into this area. What has been proven—and incidentally the gentleman from Louisiana's own State has put immunity in their own child abuse regulations—is that unless immunity is offered to people who are reporting child abuse, we just do not get the cases reported.

The people are afraid, and through this fear of civil suits many, many hundreds of children have been in one way or another sent to their death, and that is no exaggeration.

I think what we have to understand is that the Federal Government in this legislation is not forcing a State to do anything. We are simply saying if the State wants to be a part of and receive moneys through this program, then it must have State laws and it must be enforcing them, and among other items is the question of immunity, which many, many of the States already provide. So we are not forcing the States into anything.

This is not an anti-States rights bill at all. It is simply trying to provide the guidance and the leadership that I think the Federal Government should do in a matter of this kind.

I hope this answers the gentleman's question.

Mr. TREEN. Mr. Speaker, if the gentleman will yield, I hope the gentleman understands I am not against the State doing this if it wants to do this.

Would the gentleman agree that murder is a national problem as well, and not just murder of persons below 18 years of age?

Mr. PEYSER. I agree that murder is a national problem.

Mr. TREEN. If it is a national problem, why do we not have a national law on that and require the States to grant immunity on that? Where does it end?

Mr. PEYSER. If we had a bill that was for providing grants on programs for the States to deal with murder—perhaps we should have, but we are not talking now about that, we are talking about the child abuse programs and offering development programs in this area, and in order to take part in this the States should have child abuse laws.

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

Mr. BIAGGI. Mr. Speaker, I would like to observe in connection with the remark about murder that the States of the Union have very substantial laws dealing with that offense as contrasted to laws dealing with child abuse.

The fact of the matter is that until only recently the States of the Union did not have these laws and the legislatures of the various States have adopted laws dealing superficially and very inadequately with this very grievous and major problem.

What we do here is hold forth a carrot to give the States that are sincere a special inducement to implement and improve their programs. As of last year for the first time some States enacted laws that are quite substantial. There are laws in other States of the Union that frankly are not worth the paper they are printed on. This is token legislation which has little or no effect.

What we are doing here is trying to hold forth from the Federal Government that special inducement to encourage those States to do a little bit more. They have an option which they can exercise. If they choose not to, fine. For the States that choose to, then the moneys are available.

I think the analogy in the light of these circumstances is poor but I am glad it was raised because it gave us an opportunity to make the distinction with more emphasis.

Mr. ULLMAN. Mr. Speaker, the bill cited as the "Child Abuse Prevention and Treatment Act" has wholly desirable objectives with which we can all concur. A variety of programs and projects on this subject are in operation throughout the country, and I am sure we would all welcome their being brought in sharper focus and coordinated.

However, the bill contains two provisions which have the effect of amending the Social Security Act and in placing requirements on welfare agencies which do not now exist. Section 4(b)(3) of the bill would require that all programs or projects related to child abuse and neglect under part A or B of title IV of the Social Security Act comply with the requirements of section 4(b)(2). This section contains at least three requirements which are wholly inconsistent with activities conducted under the Social Security Act. First, it would require a demonstration that there are in effect throughout the State in connection with child abuse and neglect laws multidisciplinary programs and services necessary or appropriate to assure that the State will deal effectively with child abuse and neglect cases in the State. Second, it will require the dissemination of information to the general public with respect to the problem of child abuse and neglect, an activity which goes much beyond the present scope of such programs under title IV of the Social Security Act. The social security programs are, by and large, limited to families receiving welfare. Finally, it requires that parental organizations combating child abuse and neglect receive preferential treatment. This also is inconsistent with the way many of the programs operate. I would accordingly urge that the section be modified to eliminate these three requirements.

Section 7 of the bill has the wholly desirable objective of requiring that Federal programs dealing with child neglect and abuse will be coordinated with programs under the bill. However, section 7(b) also requires the Secretary to prescribe regulations to insure that suitable programs related to child abuse and neglect under this act are available for children receiving aid or services under State plans approved under part A of title IV of the Social Security Act and State plans as developed under part B of such title. This would seem to require that programs be established for children who are not presently covered under those titles and that programs be established which are more comprehensive than presently exist. I would accordingly urge that section 7(b) be modified to make it clear that new programs under the Social Security Act are not required.

Mr. Speaker, this goes to the whole question of how much latitude States have in the administration of their social services programs. There are varying points of view on this subject. However, it would seem untimely to create in this bill new requirements which do not exist under present regulations.

We have been assured that these matters will be taken into consideration in any conference on the bill.

Mr. CONTE. Mr. Speaker, sadly, we must admit that the occasion of child abuse is on the increase today. There is truly a need for closer Federal scrutiny and assistance in this area. This year some 60,000 American children will be the victims of parental beating, cruelty, or neglect. In about 800 of these cases, the defenseless child will die. The very idea that a parent, who is supposed to love and protect his offspring could be responsible for his or her child's physical injury or death, is so repulsive that many people are reluctant to consider it. Until recently, our courts also had been reluctant to get involved in internal family government, preferring to let the head of the family enforce rules and punishments for members of the family.

The shame of this syndrome is that the youngsters who are being mistreated today, if they survive, may well grow up and abuse their own children. This vicious cycle must be broken and this bill is a means toward that end. Treatment for both the abused and the abuser is a vital necessity. But every bit as vital is the need to detect and prevent these acts.

This bill is not a "budget buster." While it deals with many of the great needs in the areas of child abuse, it calls for only a $10 million outlay for the first year and a $20 million a year commitment for the next 4 years.

All of you, I know, are concerned over this dreadful practice of brutalizing the young. The Federal Government cannot do the whole job, but it certainly can do more than it has been doing. I urge your support for this legislation.

Mr. LEHMAN. Mr. Speaker, I rise in support of S. 1101, the Child Abuse Prevention and Treatment Act.

The problems of child abuse have been with us for years. When one considers that the vast majority of child abuse cases never even reach the media, it is difficult to calculate the extent of the problem. Estimates have been made that 700 to 800 children die each year as a result of maltreatment. This is just the tip of the iceberg.

This bill will give the needed incentive to the States to embark upon effective child-abuse programs, including prevention, identification, and treatment. Reporting laws within the States will have to be upgraded, and training programs for personnel will be necessary. Communities will be called upon to attack the problem.

Each time the newspapers have carried a story of a child permanently maimed or perhaps killed as a result of abuse, we have all been horrified. It is time that we took the necessary action to prevent the

kind of abuses that make these newspaper stories.

Mr. DONOHUE. Mr. Speaker, I earnestly urge and hope that the House will resoundingly approve this pending measure, S. 1191, the Child Abuse Prevention and Treatment Act.

It is a shocking fact, Mr. Speaker, that each year in this country thousands of innocent children are beaten, burned, poisoned, or otherwise abused by adults. An authoritative source has estimated that 60,000 cases of child abuse are reported annually in the United States. In addition, it has also been estimated that the reported incidence of child abuse represents only a fraction of the number of children who are actually mistreated.

During the last 10 years, nearly every State has revised its child abuse reporting laws yet it is common for cases to receive attention only after the innocent, helpless victim has suffered permanent psychological or physical damage or, in too many cases, death. One reason for the existence of this situation is that most laws do not require any followup or treatment once a case of abuse has been reported.

Mr. Speaker, through enactment of this pending bill today a National Center on Child Abuse and Neglect will be established within the Department of Health, Education, and Welfare and will have the power to institute demonstration programs and projects designed to prevent, identify and treat child abuse and neglect; train personnel to deal with child abuse; furnish services to communities for the initiation of such projects and other innovative projects, including support of parent self-help organizations, which show promise of preventing or treating this tragic human failure.

Mr. Speaker, even though we are engaged with a multitude of tremendous problems in these troubled times we should not, nevertheless, forget that this Government has the high responsibility, indeed, the solemn duty to protect the rights of all its citizens, particularly our children, from repeated physical force and abuse. It is for this basic reason that I urge the prompt passage of this bill.

Mr. PRICE of Illinois. Mr. Speaker, I support S. 1191, the Child Abuse Prevention and Treatment Act. As a sponsor of H.R. 9643, which is similar to this legislation, I firmly believe that a need exists for the establishment of a National Center for Child Abuse and Neglect. Such a center would provide a clearinghouse for child abuse programs and would also compile accurate national statistics on child abuse—a task which has been impossible to the present time due to the varying regulations governing abuse in each State. Moreover, at least 5 percent of the fiscal 1974 budget allotted the Department of Health, Education, and Welfare under this act will be used to assist in the development of new or existing State child abuse and neglect prevention centers.

Perhaps most importantly, S. 1191 calls for an investigation into the causes, prevention, identification, and treatment of child abuse. There is a growing concern, shared by many experts in the field, that child abuse is becoming a generational problem—more specifically, that today's abused child will become tomorrow's abusing parent. This is a phenomenon which cannot be allowed to continue. Hopefully, data gathered from these research projects will lead to conclusions helpful in alleviating the child abuse problem when combined with other programs on both the State and National levels.

Illinois has been nationally recognized as a leader in child abuse prevention programs. The State's Child Abuse Act of 1965 was one of the first such pieces of legislation in the Nation. Our State department of children and family services has initiated a program of prevention which includes rehabilitation, child protection, medical aid, and other types of assistance. The need for such a program can be seen by the fact that over 8,100 cases of child abuse and neglect were reported statewide in fiscal year 1973. Nearly 100 instances of violations of the Child Abuse Act were reported during this period in my district alone.

Obviously, additional aid such as that proposed in S. 1191 is needed. The choice is clear: Either we act now to stop the rising tide of child abuse cases, or we watch idly as an increasing segment of our Nation's youth is battered and mistreated. Therefore, Mr. Speaker, I urge every Member of this House who has any concern for the future of our children and our Nation to support this most important legislation.

Mr. KOCH. Mr. Speaker, I am very pleased to see that the House is now at the point where it will pass the Child Abuse Prevention and Treatment Act, a bill which I have cosponsored along with over 70 other Members of Congress. Establishing within the Department of HEW a National Center on Child Abuse and Neglect, this legislation should provide the Federal coordination needed to encourage States and localities to upgrade their child abuse treatment and prevention programs, as well as to conduct research, personnel training, and other supportive services. All of us here have been shocked at news reports documenting instances of child abuse. Unquestionably, this is a sickness whose underlying causes must be fully understood if such abuses are to be prevented and successfully treated.

It has been estimated by the National Center for the Prevention and Treatment of Child Abuse and Neglect that 60,000 child abuse cases are officially reported, on an annual basis. In New York City alone, there were 10,000 cases of child abuse or suspected abuse reported in 1972. Furthermore, it is generally agreed among experts in the field that the incidence of unreported cases of child abuse outnumber the known cases. Some of these children never survive these beatings, burnings, and other abuses. Others may never recover from the emotional scars resulting from such brutality.

Senator MONDALE's subcommittee on children and youth has heard compelling testimony affirming the need for action on this very disturbing and, until recently, largely overlooked problem. In its examination of the problem, the subcommittee found that the present laws prohibiting child abuse take effect only after the victim has suffered permanent psychological and/or physical damage. And the very complex reasons for child abuse are such that criminal laws against child abuse do not serve as a deterrent. Clearly, what is needed are intensified community efforts to prevent, identify, and treat child abuses. It has been demonstrated, in fact, that where adequate support services are available to families suffering from the problem, 90 percent of abused children can be reunited with their parents without a repeated abuse.

This legislation passed today takes a long step toward providing the variety of support services essential for dealing successfully with this problem. It is very similar to the bill passed by the Senate last July, and I am hopeful that the final version of this bill will be enacted into law as soon as possible.

Mr. HARRINGTON. Mr. Speaker, I rise in support of S. 1191, legislation to provide financial assistance for identification, prevention and treatment relating to child abuse. This important bill would establish within the Department of Health, Education, and Welfare a National Center on Child Abuse and Neglect. The Center is to conduct research, provide information and training materials, and award grants and contracts to a broad scope of organizations for demonstration programs and projects designed to deal with the problem of child abuse; $15 million is authorized by this bill for the 1974 fiscal year, $20 million for fiscal 1975, and $25 million for fiscal 1976.

Mr. Speaker, I think we all realize that our Nation's future depends on the well being of our children. Many of them, however, are faced with situations in their childhood which restrict, or even preclude, their development into what we usually regard as full maturity. Too many children are poor, too many are malnourished, too many have physical and emotional problems, and too many cannot read. There are many factors which we recognize as contributing to these deficiencies. Although we usually cite economic and biological factors, there are others that must not be overlooked.

Child abuse is one such factor that has been with us a long time, but one which has received minimal effort to alleviate nationally. Although programs exist at State and local levels, most lack adequate funding and few provide followup and treatment once a case of child abuse has been reported. Further, HEW, which does not have even one employee working on the problem of child abuse full time, has admitted that it has no information about the effectiveness of State programs that receive funds for such purposes under title IV–B of the Social Security Act.

I need not cite statistics, for they are either lacking or grossly deflated. Too often, we only hear about abuse when it has resulted in severe injury or death. One statistic I would like to cite, however, is that 90 percent of the parents involved can be rehabilitated, according to the American Academy of Pediatrics and others who recently testified before a Senate subcommittee. Although much abuse is caused by psychotic or mentally ill adults, most cases are committed by

frustrated parents who take their problems out on their children.

It seems to me that our effort should be to define the issues of child abuse prevention and to prescribe legislation which would fund programs, of a research, training, treatment and informational nature, which would both provide therapy and lead to a reduction in the incidence of child abuse. I believe that S. 1191 would go far to accomplish this goal, and therefore I urge that my colleagues join me in support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the Senate bill S. 1191, as amended.

The question was taken.

Mr. LANDGREBE. 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 pro tempore. 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 354, nays 36, not voting 43, as follows:

[Roll No. 615]

YEAS—354

Abdnor	Chappell	Froehlich
Abzug	Clark	Fulton
Adams	Clausen, Don H.	Fuqua
Addabbo	Clay	Gaydos
Alexander	Cleveland	Gettys
Anderson, Calif.	Cohen	Giaimo
Anderson, Ill.	Collier	Gibbons
Andrews, N.C.	Collins, Ill.	Gilman
Andrews, N. Dak.	Conte	Ginn
Annunzio	Corman	Goldwater
Archer	Coughlin	Gonzalez
Arends	Cronin	Grasso
Armstrong	Culver	Gray
Aspin	Daniel, Robert W., Jr.	Green, Oreg.
Badillo	Daniels, Dominick V.	Green, Pa.
Bafalis	Danielson	Griffiths
Baker	Davis, Ga.	Grover
Barrett	Davis, S.C.	Gude
Bauman	de la Garza	Guyer
Beard	Delaney	Haley
Bell	Dellenback	Hamilton
Bennett	Dellums	Hammer-schmidt
Bergland	Denholm	Hanley
Bevill	Dennis	Hanna
Biaggi	Dent	Hanrahan
Biester	Derwinski	Hansen, Idaho
Bingham	Dickinson	Harrington
Blackburn	Dingell	Harsha
Blatnik	Donohue	Harvey
Boggs	Dorn	Hastings
Boland	Drinan	Hays
Bolling	Dulski	Hechler, W. Va.
Brademas	Duncan	Heckler, Mass.
Brasco	du Pont	Heinz
Bray	Eckhardt	Helstoski
Breaux	Edwards, Ala.	Hicks
Breckinridge	Edwards, Calif.	Hillis
Brinkley	Eilberg	Hinshaw
Brooks	Erlenborn	Holt
Broomfield	Esch	Holtzman
Brotzman	Eshleman	Horton
Brown, Calif.	Evans, Colo.	Hosmer
Brown, Mich.	Evins, Tenn.	Howard
Brown, Ohio	Fascell	Huber
Broyhill, N.C.	Findley	Hudnut
Broyhill, Va.	Fish	Hungate
Buchanan	Fisher	Hunt
Burke, Fla.	Flood	Hutchinson
Burke, Mass.	Foley	Ichord
Burleson, Tex.	Ford, Gerald R.	Johnson, Calif.
Burlison, Mo.	Ford, William D.	Johnson, Pa.
Burton	Forsythe	Jones, Ala.
Byron	Fraser	Jones, N.C.
Carey, N.Y.	Frelinghuysen	Jones, Tenn.
Carney, Ohio	Frenzel	Jordan
Carter	Frey	Karth
Cederberg	Froehlich	Kastenmeier
Chamberlain	Fulton	Kazen
Chappell	Fuqua	Kemp
Clark	Gaydos	King
Clausen, Don H.	Gettys	Kluczynski
Clay	Giaimo	Koch
Cleveland	Gibbons	Kuykendall
Cohen	Gilman	Kyros
Collier	Ginn	Latta
Collins, Ill.	Goldwater	Leggett
Conte	Gonzalez	Lehman
Corman	Grasso	Lent
Coughlin	Gray	Litton
Cronin	Green, Oreg.	Long, La.
Culver	Green, Pa.	Long, Md.
Daniel, Robert W., Jr.	Griffiths	Lott
Daniels, Dominick V.	Grover	Lujan
Danielson	Gude	McClory
Davis, Ga.	Guyer	McCloskey
Davis, S.C.	Haley	McCollister
de la Garza	Hamilton	McCormack
Delaney	Hammer-schmidt	McDade
Dellenback	Hanley	McFall
Dellums	Hanna	McKay
Denholm	Hanrahan	Madden
Dennis	Hansen, Idaho	Madigan
Dent	Harrington	Mailliard
Derwinski	Harsha	Mallary
Dickinson	Harvey	Mann
Dingell	Hastings	Maraziti
Donohue	Hays	Martin, N.C.
Dorn	Hechler, W. Va.	Mathias, Calif.
Drinan	Heckler, Mass.	Mathis, Ga.
Dulski	Heinz	Matsunaga
Duncan	Helstoski	Mayne
du Pont	Hicks	Mazzoli
Eckhardt	Hillis	Meeds
Edwards, Ala.	Hinshaw	Melcher
Edwards, Calif.	Holt	Metcalfe
Eilberg	Holtzman	Mezvinsky
Erlenborn	Horton	Milford
Esch	Hosmer	Miller
Eshleman	Howard	Minish
Evans, Colo.	Huber	Mink
Evins, Tenn.	Hudnut	Minshall, Ohio
Fascell	Hungate	Mitchell, Md.
Findley	Hunt	Mitchell, N.Y.
Fish	Hutchinson	Moakley
Fisher	Ichord	Mollohan
Flood	Johnson, Calif.	Moorhead, Calif.
Foley	Johnson, Pa.	Moorhead, Pa.
Ford, Gerald R.	Jones, Ala.	Morgan
Ford, William D.	Jones, N.C.	Mosher
Forsythe	Jones, Tenn.	Moss
Fraser	Jordan	Murphy, Ill.
Frelinghuysen	Karth	Murphy, N.Y.
Frenzel	Kastenmeier	Myers
Frey	Kazen	Natcher
Froehlich	Kemp	Nedzi
Fulton	King	Nix
Fuqua	Kluczynski	Obey
Gaydos	Koch	O'Brien
Gettys	Kuykendall	O'Hara
Giaimo	Kyros	Parris
Gibbons	Latta	Passman
Gilman	Leggett	Patman
Ginn	Lehman	Patten
Goldwater	Lent	Pepper
Gonzalez	Litton	Perkins
Grasso	Long, La.	Pettis
Gray	Long, Md.	Peyser
Green, Oreg.	Lott	Pickle
Green, Pa.	Lujan	Pike
Griffiths	McClory	Podell
Grover	McCloskey	Powell, Ohio
Gude	McCollister	Preyer
Guyer	McCormack	Price, Ill.
Haley	McDade	Price, Tex.
Hamilton	McFall	Pritchard
Hammer-schmidt	McKay	Quie
Hanley	Madden	Quillen
Hanna	Madigan	Railsback
Hanrahan	Mailliard	Randall
Hansen, Idaho	Mallary	Rangel
Harrington	Mann	Rees
Harsha	Maraziti	Regula
Harvey	Martin, N.C.	Reid
Hastings	Mathias, Calif.	Reuss
Hays	Mathis, Ga.	Rhodes
Hechler, W. Va.	Matsunaga	Riegle
Heckler, Mass.	Mayne	Rinaldo
Heinz	Mazzoli	Roberts
Helstoski	Meeds	Robison, N.Y.
Hicks	Melcher	Rodino
Hillis	Metcalfe	Roe
Hinshaw	Mezvinsky	Rogers
Holt	Milford	Roncalio, Wyo.
Holtzman	Miller	Roncallo, N.Y.
Horton	Minish	Rooney, Pa.
Hosmer	Mink	Rose
Howard	Minshall, Ohio	Rosenthal
Huber	Mitchell, Md.	Rostenkowski
Hudnut	Mitchell, N.Y.	Roush
Hungate	Moakley	Roy
Hunt	Mollohan	Roybal
Hutchinson	Moorhead, Calif.	Runnels
Ichord	Moorhead, Pa.	Ruppe
Johnson, Calif.	Morgan	Ruth
Johnson, Pa.	Mosher	Ryan
Jones, Ala.	Moss	St Germain
Jones, N.C.	Murphy, Ill.	Sandman
Jones, Tenn.	Murphy, N.Y.	Sarasin
Jordan	Myers	Sarbanes
Karth	Natcher	Scherle
Kastenmeier	Nedzi	Schneebeli
Kazen	Nix	Schroeder
Kemp	Obey	Sebelius
King	O'Brien	Seiberling
Kluczynski	O'Hara	Shipley
Koch	Parris	Shoup
Kuykendall	Passman	Shriver
Kyros	Patman	Sisk
Latta	Patten	Skubitz
Leggett	Pepper	Slack
Lehman	Perkins	Smith, Iowa
Lent	Pettis	Smith, N.Y.
Litton	Peyser	Snyder
Long, La.	Pickle	Spence
Long, Md.	Pike	Staggers
Lott	Podell	Stanton, J. William
Lujan	Powell, Ohio	Stanton, James V.
McClory	Preyer	Stark
McCloskey	Price, Ill.	Steed
McCollister	Price, Tex.	Steele
McCormack	Pritchard	Steelman
McDade	Quie	Steiger, Wis.
McFall	Quillen	Stratton
McKay	Railsback	Stubblefield
Madden	Randall	Studds
Madigan	Rangel	Sullivan
Mailliard	Rees	Symington
Mallary	Regula	Taylor, Mo.
Mann	Reid	Teague, Tex.
Maraziti	Reuss	Thompson, N.J.
Martin, N.C.	Rhodes	Thomson, Wis.
Mathias, Calif.	Riegle	Thone
Mathis, Ga.	Rinaldo	Thornton
Matsunaga	Roberts	Tiernan
Mayne	Robison, N.Y.	Towell, Nev.
Mazzoli	Rodino	Udall
Meeds	Roe	Ullman
Melcher	Rogers	Van Deerlin
Metcalfe	Roncalio, Wyo.	Vander Jagt
Mezvinsky	Roncallo, N.Y.	Vanik
Milford	Rooney, Pa.	Veysey
Miller	Rose	Vigorito
Minish	Rosenthal	Waldie
Mink	Rostenkowski	Wampler
Minshall, Ohio	Roush	Ware
Mitchell, Md.	Roy	Whalen
Mitchell, N.Y.	Roybal	White
Moakley	Runnels	Whitehurst
Mollohan	Ruppe	Widnall
Moorhead, Calif.	Ruth	Wiggins
Moorhead, Pa.	Ryan	Williams
Morgan	St Germain	Wilson, Charles H., Calif.
Mosher	Sandman	Wilson, Charles, Tex.
Moss	Sarasin	Winn
Murphy, Ill.	Sarbanes	Wolff
Murphy, N.Y.	Scherle	Wyatt
Myers	Schneebeli	Wydler
Natcher	Schroeder	Wylie
Nedzi	Sebelius	Wyman
Nix	Seiberling	Yates
Obey	Shipley	Yatron
O'Brien	Shoup	Young, Alaska
O'Hara	Shriver	Young, Fla.
Parris	Sisk	Young, Ill.
Passman	Skubitz	Young, S.C.
Patman	Slack	Young, Tex.
Patten	Smith, Iowa	Zablocki
Pepper	Smith, N.Y.	Zion
Perkins	Snyder	Zwach
Pettis	Spence	
Peyser	Staggers	
Pickle	Stanton, J. William	
Pike	Stanton, James V.	
Podell	Stark	
Powell, Ohio	Steed	
Preyer	Steele	
Price, Ill.	Steelman	
Price, Tex.	Steiger, Wis.	
Pritchard	Stratton	
Quie	Stubblefield	
Quillen	Studds	
Railsback	Sullivan	
Randall	Symington	
Rangel	Taylor, Mo.	
Rees	Teague, Tex.	
Regula	Thompson, N.J.	
Reid	Thomson, Wis.	
Reuss	Thone	
Rhodes	Thornton	
Riegle	Tiernan	
Rinaldo	Towell, Nev.	
Roberts	Udall	
Robison, N.Y.	Ullman	
Rodino	Van Deerlin	
Roe	Vander Jagt	
Rogers	Vanik	
Roncalio, Wyo.	Veysey	
Roncallo, N.Y.	Vigorito	
Rooney, Pa.	Waldie	
Rose	Wampler	
Rosenthal	Ware	
Rostenkowski	Whalen	
Roush	White	
Roy	Whitehurst	
Roybal	Widnall	
Runnels	Wiggins	
Ruppe	Williams	
Ruth	Wilson, Charles H., Calif.	
Ryan	Wilson, Charles, Tex.	
St Germain	Winn	
Sandman	Wolff	
Sarasin	Wyatt	
Sarbanes	Wydler	
Scherle	Wylie	
Schneebeli	Wyman	
Schroeder	Yates	
Sebelius	Yatron	
Seiberling	Young, Alaska	
Shipley	Young, Fla.	
Shoup	Young, Ill.	
Shriver	Young, S.C.	
Sisk	Young, Tex.	
Skubitz	Zablocki	
Slack	Zion	
Smith, Iowa	Zwach	
Smith, N.Y.		
Snyder		

NAYS—36

Ashbrook	Flynt	Poage
Butler	Fountain	Rarick
Camp	Goodling	Robinson, Va.
Clancy	Gross	Rousselot
Cochran	Henderson	Satterfield
Collins, Tex.	Ketchum	Shuster
Conable	Landgrebe	Steiger, Ariz.
Conlan	McEwen	Symms
Crane	Mahon	Taylor, N.C.
Daniel, Dan	Martin, Nebr.	Teague, Calif.
Davis, Wis.	Montgomery	Treen
Devine	Nichols	Whitten

NOT VOTING—43

Ashley	Hawkins	O'Neill
Bowen	Hébert	Owens
Burgener	Holifield	Rooney, N.Y.
Burke, Calif.	Jarman	Sikes
Casey, Tex.	Johnson, Colo.	Stephens
Chisholm	Jones, Okla.	Stokes
Clawson, Del	Keating	Stuckey
Conyers	Landrum	Talcott
Cotter	McKinney	Waggonner
Diggs	McSpadden	Walsh
Downing	Macdonald	Wilson, Bob
Flowers	Michel	Wright
Gubser	Mills, Ark.	Young, Ga.
Gunter	Mizell	
Hansen, Wash.	Nelsen	

So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Mills of Arkansas.

Mr. Rooney of New York with Mr. Jones of Oklahoma.

Mr. Hébert with Mr. Jarman.

Mr. Waggonner with Mr. Landrum.

Mr. Sikes with Mr. Nelsen.

Mr. Cotter with Mr. Conyers.

Mr. Diggs with Mrs. Burke of California.

Mr. Ashley with Mr. Hawkins.

Mrs. Chisholm with Mr. Gunter.

Mr. Holifield with Mr. Stokes.

Mr. Stephens with Mr. Del Clawson.

Mr. Owens with Mr. Young of Georgia.

Mr. Stuckey with Mr. Gubser.

Mr. Bowens with Mr. McKinney.

Mr. Casey of Texas with Mr. Michel.

Mr. Downing with Mr. Talcott.

Mrs. Hansen of Washington with Mr. Walsh.

Mr. Flowers with Mr. Mizell.

Mr. Macdonald with Mr. Bob Wilson.

Mr. Wright of Mr. McSpadden.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 5898, AUTHORIZING CONSTRUCTION AND OPERATION OF HIGH SEAS OIL PORTS

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight to file a report on H.R. 5898, to authorize the construction and operation of high seas oil ports.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

ATTORNEY GENERAL'S COMPENSATION AND USE OF FRANKING PRIVILEGE

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11710) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation and other emoluments attached to the Office of Attorney General shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the salary recommendations for 1969 increases transmitted to the Congress on January 15, 1969, and notwithstanding any other provision of law, or provision which has the force and effect of law, which is enacted or becomes effective during the period from

noon, January 3, 1969, through noon, January 2, 1975.

SEC. 2. (a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

SEC. 3. (a) Section 3210 of title 39, United States Code, is amended to read as follows:

"§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

"(a) (1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

"(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

"(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

"(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

"(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

"(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

"(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

"(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

"(F) mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;

"(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

"(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

"(I) mail matter which constitutes or includes a biography or autobiograhpy of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

"(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

"(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b) (1) of this section.

"(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

"(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

"(B) mail matter which constitutes or includes—

"(i) greetings from the spouse or other members of the family of such Member or Member-elect;

"(ii) reports of how or when such Member or Member-elect, or the spouse of any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

"(iii) any card expressing holiday greetings from a Member or Member-elect;

"(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office; or

"(D) any mass mailing when the same is mailed less than twenty-one days immediately before the date of any primary or general election (whether regular or special or runoff) in which the Member is a candidate for public office. For the purpose of this clause (D), the term 'mass mailing' shall mean newsletters and similar mailings in which the content of the matter mailed is substantially identical. The term shall not include mailings which are in direct response to direct inquiries or requests from which the matter is mailed.

For the purposes of this clause, a mass mailing shall be deemed to be mailed when it is presented to the official of either the House or the Senate, as appropriate, responsible for the preparation, processing, and mailing of such mass mailing. Such official shall give a receipt at the time the mass mailing is presented for mailing.

"(b) (1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House of Representatives (other than a Member of the House), until the first day of March following the expiration of their respective terms of office, and the Legislative Counsels of the House of Representatives and the Senate, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a) (2) and (3) of this section.

"(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

"(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a) (4) and (5) of this section.

"(d) (1) A Member of the House may mail franked mail with a simplified form of address for delivery—

"(A) within that area constituting the congressional district from which he was elected; and

"(B) on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

"(2) A Member-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district from which he was elected.

"(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

"(4) Franked mail mailed with a simplified form of addr[illegible]s under this subsection—

"(A) shall be prepared as directed by the Postal Service; and

"(B) may be delivered to—

"(i) each box holder or family on a rural or star route;

"(ii) each post office box holder; and

"(iii) each stop or box on a city carrier route.

"(5) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

"(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent. Notwithstanding any other provision of law, the cost of preparing or printing mail matter which is frankable under this section may be paid from any funds, including, but not limited to, funds collected by a candidate or a political committee required to file reports of receipts and expenditures under the Federal Election

Campaign Act of 1971 (Public Law 92-225), or from voluntary newsletter funds, or from similar funds administered and controlled by a Member or by a committee organized to administer such funds.

"(f) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.".

(b) The table of sections of chapter 32 of title 39, United States Code, is amended by striking out—

"3210. Official correspondence of Vice President and Members of Congress."

and inserting in lieu thereof—

"3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.".

SEC. 4. Section 3211 of title 39, United States Code, is amended by striking out "the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June" and inserting in lieu thereof "each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of March".

SEC. 5. Section 3212 of title 39, United States Code, is amended to read as follows:

"§ 3212. Congressional Record under frank of Members of Congress

"(a) Members of Congress may send the Congressional Record as franked mail.

"(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.".

SEC. 6. (a) Section 3214 of title 39, United States Code, is amended to read as follows:

"§ 3214. Mailing privilege of former President; surviving spouse of former President

"A former President and the surviving spouse of a former President may send nonpolitical mail within the United States and its territories and possessions as franked mail. Such mail of a former President and of the surviving spouse of a former President marked 'Postage and Fees Paid' in the manner prescribed by the Postal Service shall be accepted by the Postal Service for transmission in the international mails.".

(b) The table of sections of chapter 32 of title 39, United States Code, is amended by striking out—

"3214. Mailing privileges of former Presidents."

and inserting in lieu thereof—

"3214. Mailing privilege of former President; surviving spouse of former President.".

SEC. 7. (a) There is established a special commission of the House of Representatives, designated the "House Commission on Congressional Mailing Standards" (herein referred to as the "Commission").

(b) The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, and three from the minority political party, in the House. The Speaker shall designate as Chairman of the Commission, from among the members of the Committee on Post Office and Civil Service of the House, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

(c) In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on Post Office and Civil Service of the House, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on Post Office and Civil Service shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

(d) The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, surviving spouse of any of the foregoing, or other House official, entitled to send mail as franked mail under any of those sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(e) any complaint by any person that a violation of any section of title 39, United States Code, referred to in subsection (d) of this section is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), shall contain pertinent factual material and shall conform to regulations prescribed by the Commission. The Commission, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The Commission shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the Commission. The Commission shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the Commission. Such findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial challenge or review. Any judicial review of such decision, if ordered on any ground, shall be limited to matters of law. If the Commission finds in its written decision that a serious and willful violation has occurred or is about to occur, it may refer such decision to the Committee on Standards of Official Conduct of the House of Representatives for appropriate action and enforcement by the committee concerned in accordance with applicable rules and precedents of the House and such other standards as may be prescribed by such committee. Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person referred to under subsection (d) of this section, except judicial review of the decisions of the Commission under this subsection. The Commission shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(f) The Commission may sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths and affirmations, take such testimony, procure such printing and binding, and make such expenditures, as the Commission considers advisable. The Commission may make such rules respecting its organization and procedures as it considers necessary, except that no action shall be taken by the Commission unless a majority of the Commission assent. Subpenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

(g) The Commission shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the Commission shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

SEC. 8. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written deci-

sion on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person referred to under subsection (a) of this section until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SEC. 9. Section 3216 of title 39, United States Code, is amended to read as follows:

"§ 3216. Reimbursement for franked mailings

"(a) the equivalent of—

"(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

"(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergant at Arms of the Senate, each elected officer of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate; and

"(B) by the surviving spouse of a Member of Congress under section 3218 of this title; and "(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as provided by sections 733 and 907 of title 44, and except as to Mailgrams, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof, and the printed words 'Postage paid by Congress'.

"(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

"(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

"(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.".

SEC. 10. (a) Section 733 of title 44, United States Code, is amended by striking out "Free." and inserting in lieu thereor "Postage paid by Congress.".

(b) Section 907 of title 44, United States Code, is amended as follows:

(1) the second sentence is amended by inserting immediately before the period at the end thereof a comma and the following: "if such part, speeches, or reports are mailable as franked mail under section 3210 of title 39"; and

(2) the third sentence is amended by striking out "Free" and inserting in lieu thereof "Postage paid by Congress".

SEC. 11. Section 3206 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Department of State shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1) (C) and (D) of section 3202(a) of this title.".

SEC. 12. The last sentence of section 3215 of title 39, United States Code, is amended to read as follows: "This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.".

SEC. 13. Section 3218 of title 39, United States Code, is amended by inserting "nonpolitical" immediately before "correspondence".

SEC. 14. (a) Chapter 32 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3219. Mailgrams

"Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210(a) of this title.".

(b) The table of sections of such chapter 32 is amended by adding at the end thereof the following:

"3219. Mailgrams.".

SEC. 15. The last sentence of section 1303 (d) of the Revenue Act of 1918 (2 U.S.C. 277) is repealed.

SEC. 16. (a) Except as provided in subsection (b) of this section, the provisions of this Act shall become effective on the date of enactment of this Act.

(b) The provisions of section 3214 of title 39, United States Code, as amended by section 6 of this Act, and the provisions of subsection (b) of section 3216 of title 39, United States Code, as amended by section 9 of this Act, shall take effect as of December 27, 1972.

SEC. 17. If a provision of this Act is held invalid, all valid provisions severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, such provision remains in effect in all valid applications severable from the invalid application or applications.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am opposed to the bill, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 20 minutes and the gentleman from Iowa for 20 minutes.

The Chair now recognizes the gentleman from New York.

Mr. DULSKI. Mr. Speaker, the bill combines the provisions of S. 267, relating to the compensation attached to the office of the Attorney General, and H.R. 3180, relating to the use of the franking privilege.

ATTORNEY GENERAL'S COMPENSATION

The first two sections of the bill contain provisions identical to the Senate-passed bill, S. 2673.

The purpose of these provisions is to roll back any increase in salary or emoluments for the position of Attorney General to the salary and emoluments that were in effect on January 1, 1969, so as to remove the constitutional impediment to the appointment of Senator WILLIAM B. SAXBE to be Attorney General of the United States.

Section 2 of the bill provides a means of insuring that the judicial examination of the constitutionality of the appointment and continuance in office of Senator SAXBE as Attorney General would be expeditiously handled.

FRANKING PRIVILEGE

Sections 3 through 15 of the bill, relating to the franking privilege for Members of Congress, include the provisions of H.R. 3180 as it passed the House of Representatives on April 11, 1973, by a record vote of 354 to 49, with certain adjustments to give consideration to some of the amendments added by the Senate. The bill passed the Senate on October 11, 1973, by unanimous consent.

The major differences between the House-passed bill (H.R. 3180) and the bill H.R. 11710:

HOLIDAY GREETINGS

Section 3210(a)(5)(iii) includes language to expressly prohibit the use of the congressional frank for mailing cards expressing holiday greetings. This conforms with an amendment added by the Senate to H.R. 3180.

MASS MAILINGS

Section 3210(a)(5)(D) includes provisions prohibiting mass mailings under the frank during the 21 days before any primary or general election in which a Member is a candidate for public office. A similar amendment added by the Senate provided for a 31-day cutoff.

Provisions in the House-passed bill—section 9—relating to the establishment

of a House Commission on Congressional Mailing Standards, to study and report to the House not later than January 1, 1974, with recommendations concerning the use of mass mailings, have been omitted.

FRANKED MAIL AS POLITICAL CONTRIBUTIONS

Section 3210(f) of the bill adds new provisions which were included in the Senate-passed bill to prohibit consideration of the equivalent amount of postage for franked mail as a contribution to or expenditure with respect to any political campaign, notwithstanding any Federal, State, or local law or regulation to the contrary.

ADMINISTRATIVE AND JUDICIAL REVIEW

The bill contains, in section 7, the provisions contained in the House-passed bill relating to the establishment of a special Commission of the House on Congressional Mailing Standards, which give the Commission jurisdiction to review alleged violations of the use of the frank by Members of the House, and makes the findings of fact by the Commission binding and exclusive for all purposes.

Section 8 was added to include provisions recommended by the Senate for reviewing alleged violations of the use of the frank by Members of the Senate. Such a procedure would merely be a prerequisite prior to court action.

MAILGRAMS

Provisions are included in section 14 of the bill which permit the frank to be used for the sending of mailgrams. These provisions are similar to provisions contained in the Senate-passed bill.

Mr. Speaker, I introduced H.R. 11710, together with Mr. HENDERSON and Mr. UDALL, in order that we could get some expedited action on the congressional franking provisions. As you may recall, the House has asked for a conference with the Senate but the Senate has not yet agreed to the conference. I feel that we need action on these provisions before the end of this session of the Congress.

I would now like to take a few minutes to discuss the legislation relating to the Saxbe situation, and the gentleman from Arizona will discuss the provisions relating to the congressional frank.

I have received a report dated November 30, 1973, from the Acting Attorney General supporting the Senate passed bill. Also, by letter dated November 8, 1973, the President has confirmed his intention to nominate Senator SAXBE to be Attorney General of the United States immediately upon enactment of this legislation.

Senator SAXBE began his term of office on January 3, 1969. On that date the statutory salary for the Office of Attorney General was $35,000. During the Senator's term of office—January 3, 1969–January 3, 1975—the compensation for the position of Attorney General was increased to $60,000 effective in February 1969.

The salary increase brings into play article I, section 6, clause 2 of the Constitution, which provides—

No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time.

It is intended, under the bill, that the salary and emoluments for the position of Attorney General during the term of office for which Senator SAXBE was elected—January 1969–February 1975—be the salary and emoluments that were in effect on January 1, 1969, thereby avoiding the problem raised by the constitutional provision.

I am advised that there are no Supreme Court cases interpreting these provisions of the Constitution, as applied to appointments, such as is involved in connection with Senator SAXBE. However, I would like to refer to certain precedents that support the view that enactment of legislation such as the bill would remove any constitutional bar to Senator SAXBE's appointment.

The first involved the appointment of Senator Lot M. Morrill as Secretary of the Treasury. Senator Morrill was elected to the Senate in 1871 for a term ending in 1877. In 1873, Cabinet officers' salaries were raised from $8,000 to $10,000, but the increase was repealed in 1874 (18 Stat. (part 3) 4). The nomination of Senator Morrill in 1876 was confirmed by the Senate without any challenge based on the applicable provisions of the Constitution.

The second case involved the appointment by President Taft of Senator Philander Knox as Secretary of State. A law with the same purpose as the bill under consideration today was passed by the Congress in February 1909, in order to permit Senator Knox's appointment in March to the incoming administration of President Taft without offending the purpose of the constitutional provision.

Senator Knox had been elected in 1905 for a term expiring on March 3, 1911.

In 1907, the compensation of the Secretary of State had been increased from $8,000 to $12,000. Legislation (35 Stat. 626, approved February 17, 1909) reduced the Secretary of State's compensation to $8,000. After passage of the remedial legislation, Senator Knox was nominated and confirmed as Secretary of State.

Finally, during Senator Hugo Black's term of office as a Senator, Congress strengthened the retirement benefit of Supreme Court Justices. During that same term, the Senator was nominated to the court. At that time there was considerable discussion as to whether that increase in retirement benefits constituted an increase in the emoluments of that office within the scope of the constitutional provision.

The Senate confirmed the nomination, apparently agreeing with the Attorney General that Senator Black was nevertheless eligible because the purpose of the Constitution was served as Senator Black was only 51 years old at the time, and so would be ineligible for the "increased emolument" for 19 years. It was not, as to him, an increased emolument.

These precedents support an interpretation of the constitutional provision to permit a Member of Congress who does not receive any prohibited increase in salary or emoluments to accept an office in the U.S. Government.

Mr. Speaker, I am not an attorney and I do not propose to get involved in any legal discussions as to whether or not these precedents are controlling, nor do I propose to get involved in any controversial questions that have been raised as to the correct interpretation and application of the constitutional provision.

The Senate Judiciary Committee heard testimony from six constitutional expert attorneys. Each was presented with the question of whether the constitutional bar to Senator SAXBE's appointment can be removed by legislation, and if so, whether legislation such as the Senate bill S. 2673 would accomplish this purpose.

Four testified that legislation such as S. 2673 would not remove any impediment to Senator SAXBE's eligibility for appointment as Attorney General. Two testified that the proposed legislation would remove the impediment.

This question is for the courts to decide, we cannot settle it here. Section 2 of the bill provides a means for expediting action in the courts to settle any constitutional question that may arise in the event Senator SAXBE is confirmed as the Attorney General.

Mr. Speaker, the Senate passed similar legislation—S. 2673—by a substantial vote of 76 yeas to 16 nays, with 1 voting present, in spite of the conflicting testimony.

I urge that the Members vote to suspend the rules and pass this legislation in order that the issue can be settled at the earliest opportunity.

Mr. Speaker, I insert in the RECORD at this point the letter of November 8, 1973, from the President, and the letters of November 5, 1973, and November 30, 1973, from the Acting Attorney General:

THE WHITE HOUSE,
Washington, D.C., November 8, 1973.

HON. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to inform you of my intention to nominate Senator William B. Saxbe of Ohio to be Attorney General of the United States, immediately upon enactment of remedial legislation that would eliminate a Constitutional impediment to Senator Saxbe's appointment.

Without this legislation, doubt would exist concerning Senator Saxbe's eligibility because Article I, section 6, clause 2 of the Constitution provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; * * *."

During Senator Saxbe's term of service in the United States Senate the annual salary of the Office of Attorney General was increased from $35,000 to $60,000.

On November 5, 1973, Acting Attorney General Robert H. Bork submitted legislation which would remove the Constitutional impediment to Senator Saxbe's appointment by reducing the compensation and other emol-

uments attached to the Office of Attorney General to those in effect before Senator Saxbe began his Senate term.

This solution has historical support. In 1909 similar legislation was enacted at the request of President Taft to reduce the salary of the Office of the Secretary of State so that Senator Philander C. Knox would be eligible for appointment, the compensation and other emoluments of that Office having been increased during the Senate term which Knox was then serving. After enactment of remedial legislation, Senator Knox was nominated, and confirmed by the Senate.

Constitutional precedents beginning with President Washington indicate that the nomination of an individual not then eligible may be improper and that any subsequent appointment based on such nomination might be null and void.

On February 28, 1793, President Washington withdrew the nomination of William Patterson of New Jersey to be Associate Justice of the Supreme Court on the ground that Mr. Patterson "was a member of the Senate when the law creating that Office was passed, and that the time for which he was elected is not yet expired. I think it my duty therefore, to decree that I deem the nomination to have been nulled by the Constitution."

This position has been consistently followed by the Attorney General of the United States in opinions in 1883 by Attorney General Brewster and in 1895 by Acting Attorney General Conrad.

I strongly urge that corrective legislation he enacted as soon as possible. I will submit the nomination of Senator Saxbe immediately upon passage of such legislation so that the Senate may proceed with the confirmation process.

Sincerely,

RICHARD NIXON.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal to provide that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

Article I, Section 6, Clause 2 of the Constitution provides: "No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

When Senator William B. Saxbe of Ohio began his term of service in the United States Senate on January 3, 1969, the salary for the Office of Attorney General was established by P. L. 89–554 (80 Stat. 460, September 6, 1966) at $35,000. On January 15, 1969, the President transmitted to the Congress pursuant to P.L. 90–206 (81 Stat. 642, December 16, 1967) a recommendation increasing the annual salary for the Office of Attorney General to $60,000.

The accompanying legislation is designed to remove the question concerning the impact of Article I, Section 6, Clause 2 on the President's nomination of Senator William B. Saxbe to be Attorney General of the United States.

I urge prompt consideration and enactment of this legislation.

The Office of Management and Budget has advised that enactment of this proposal is in accord with the Program of the President.

Sincerely,

ROBERT H. BORK,
Acting Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for the views of the Department of Justice on the amendment of Senator Talmadge included in S. 2673, as passed by the Senate. That amendment provides in substance that the Attorney General can receive no increase in his emoluments prior to January 3, 1975 over those in effect on January 1, 1969. The Department of Justice fully supports the Talmadge Amendment.

The Talmadge Amendment fully comports with the purposes of Article I, section 6, clause 2. The Amendment makes it clear that Senator Saxbe, if appointed as Attorney General, cannot enjoy the benefits of any increase in the emoluments for that office during the term for which he was elected, which expires on January 2, 1975.

Sincerely,

ROBERT H. BORK,
Acting Attornel General.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I oppose this bill, and I urge that the motion to suspend the rules be defeated.

This is a fraudulent procedure on both counts, both as to the reduction of the salary for the Office of the Attorney General of the United States, and the adding to this bill of a franking privilege legislation. I will deal with that later.

Let me address myself first to the reduction of the salary of the Office of Attorney General of the United States.

Mr. Speaker, under normal circumstances, I would certainly support any proposal reducing the pay of an executive-level bureaucrat to its pre-1969 level.

There is ample evidence that the 1969 pay raises of 71 percent for Cabinet officers and 40 percent for Members of Congress—on which the House was never permitted to vote—sparked the inflationary wage spiral that swept the country in that year and which in large measure accounts for many of the critical economic problems we face today.

However, I cannot support this bill which would reduce the pay of the Attorney General from $60,000 a year to $35,000, even though the $25,000 payroll savings is not to be taken lightly in view of the recently revised estimates of this year's budget deficit.

I oppose H.R. 11710 because I believe its only purpose is to do violence to the letter and spirit of the U.S. Constitution.

I believe that both the language and the intent of article I, section 6, paragraph 2, of the Constitution are quite explicit:

No Senator or Representative shall, during the time for which he was elected be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

It certainly does not require any laborious constitutonal construction to determine that the office of Attorney General, to which Senator SAXBE would be appointed, would still be, regardless of what happens on this bill, one whose emoluments had been increased during his senatorial term. Even though this bill now seeks to reduce those emoluments, its enactment cannot take away and forever erase the fact that these emoluments were increased during his term.

More importantly, the purpose of the constitutional provision is to prevent Congress from enacting special legislation creating a position or increasing the emoluments of a position for the benefit of one of its own Members. Certainly then, a bill, such as we have before us today, which specifically reduces the salary of the Attorney General, has no other purpose except to attempt to qualify a particular Member of the Senate for an office for which he could not otherwise qualify. This bill, in my opinion, is in direct contradiction to the reasons why our Founding Fathers promulgated article 1, section 6, paragraph 2, of the Constitution.

Mr. Speaker, the language of the Constitution disqualifies a Member of Congress from a civil office during his term, if that office has been created in that term, or if the pay of that office has been increased during that term. I do not believe that passage of this bill can negate the fact that a legislative act has taken place during the term for which Senator SAXBE was elected and therefore renders him ineligible for appointment to the office of Attorney General.

Surely, throughout this country, there are any number of persons who are eminently qualified to serve as Attorney General of the United States without requiring the Congress to involve itself in this type of chicanery.

I do not intend to be a party to this type of abhorrent procedure, and I certainly urge a No vote on the motion to suspend the rules.

With respect to the franking privilege, I supported similar legislation in committee, and I am prepared to support it again, but not on this bill. Only last week the House rejected a Senate bill on the debt ceiling to which had been attached a nongermane amendment providing for future elections. Now, here today, the House is being asked to reverse what it did last week with respect to rejecting the Senate's nongermane amendment and adopt this one.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, this bill, H.R. 11710, dealing with the franking privilege, has been passed by this House, and a bill on the subject has been passed by the Senate. Conferees have been appointed. I happen to be one of the conferees. We have not been called into session, but we are prepared to deal with the issue at any

time. I say to the Members that this is fraudulent procedure.

The House has no business setting aside the plain provision in the Constitution which prohibits a Member of Congress from holding an office for which he has voted to increase the emoluments. And the House will make a sorry spectacle of itself if it now adopts an ungermane amendment—an act which it condemned on the part of the Senate only last week.

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

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

Mr. HAYS. I thank the gentleman for yielding. Is it not true that the reason the gentleman has not been called into conference is because the chairman of the Senate committee refuses to meet until another bill, which has nothing to do with either one of them, has passed? In fact, he did not have the courtesy to call me, and the bill is in my committee—it is out now—the so-called Postal Card Registration bill. He did not have the courtesy to call me, but I got the word through the grapevine that he is not going to meet in conference until the bill is out of committee. That is not the reason why the bill is out of committee, but it is now.

Again I got the word through the grapevine that now he has changed the rules and that he is not going to meet until it is out of the Committee on Rules. I will just say to the Members that I am not going to play this kind of game. I am talking about Senator McGEE, if anybody is in doubt. As far as I am concerned, he is not going to hold any bill in my committee hostage, and I am not going to the Committee on Rules to ask for a rule until such time as he keeps the commitment he made to other people on this bill. If he wants to play rough, I can be just as rough six days a week and twice as rough on Sunday.

Mr. GROSS. I appreciate the gentleman's statement. When we get into the business in the House of using this kind of device to dislodge bills that are being held hostage by individual Members of the Senate, we are inviting real warfare as between the two bodies. The Senate is holding hostage a bill that the House overwhelmingly approved that bears my name. I do not like it, but I will not subscribe to this kind of procedure.

The SPEAKER. The time of the gentleman has expired.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, this is, as the gentleman from Iowa outlined, a shotgun marriage. We are driven to get out the shotgun because we desperately need some action on a franking bill. Filing dates are approaching in many States. Within a few months we will be in primary elections. In at least one of our large States on the west coast there has been a total restructuring of congressional districts. Under present law there is serious doubt whether one can mail postal patron into a new congressional district even though part of it might be in the district from which the Member was elected.

We tried last April in this historic bill to straighten out this question and once and for all get a franking bill which was in the interest of the public and in the interest of the Members. So we have been sitting for months waiting for action. We are driven now to take this action.

I usually deplore actions of the Senate on nongermane riders, but there was a great American who said not too long ago: "Send them a message." And what we propose to do today is to send them a message on the subject of this franking bill.

I know some of my Members on this side of the aisle particularly are worried about the appointment of Senator SAXBE. They would hope to have someone else as Attorney General. I am no particular proponent of the Saxbe appointment, but I do believe he meets the reasonable standards of character and competence. We have traditionally taken the view in the Congress that a President is entitled to Cabinet members of his choice so long as they meet such standards. BILL SAXBE is fiercely independent and outspoken. I for one suspect he will do well in the Attorney General's Office.

I would point out the Saxbe part of this bill contains language for an expedited court test, so once and for all we will have a Supreme Court answer to this constantly recurring question about whether Members of Congress can be appointed to offices in the executive branch under the new system of setting congressional executive salaries every 4 years.

So Mr. SAXBE is not over the hurdle simply because he gets appointed. We still are going to have this court test, and if the Court says under the Constitution there is no impediment to his appointment, then he ought to be appointed. If there is an impediment, we will know about it by reason of the Court's decision and SAXBE will not serve. So we should not let that problem defeat this opportunity to get some action on the franking bill.

Let me tell the Members about three or four of the key provisions in the franking bill so we will know what we will be losing if we decide out of concern about the Saxbe provision to vote this bill down.

We have for one thing the Gubser amendment which will once and for all clarify the right of Members to spend money for newsletters and not detract from the franking privilege if the newsletter is printed with money from a newsletter fund from excess campaign contributions left in the hands of the campaign committee. The Senate has always approved such expenditures but under the House interpretation they are forbidden.

We include the language on postal patron that now depends on some old interpretations in an old regulation. It has no statutory basis. In this bill we nail it down clearly and with a sound legislative statutory basis.

Furthermore the question of whether or not one can frank when a congressional district is changed as a result of court or legislative action is clearly spelled out. For those who are contemplating difficulties of this kind in 1974 this is very crucial.

In the House bill on franking when the bill left here there was no provision for a cutoff. Members will remember this was one of the most highly contested matters. The Senate insisted on a 30-day cutoff before elections. We have a 21-day cutoff, 3 weeks before election, but we have protection for the Members so that mailing is deemed complete when mail is delivered to the mailing officer, that is the House Folding Room 21 days before election with instructions that the mailing take place.

We think we have a sound and sensible solution to this problem. We believe it ought to be adopted and I strongly urge Members to suspend the rules and pass this legislation today.

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

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

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman yielding.

Why are two separate issues tackled in the same bill? I very much favor what the gentleman said about the franking privilege and the necessity for clearing it up, but why do what the Senate does to us all the time and tack on something else that is clearly not germane?

Mr. UDALL. Well, two people ought to be able to play the game under the same rules. Until the day comes when we can get these Senate riders controlled, I do not have any scruples about doing to them what they do every day in the week.

Between now and adjournment there will be half a dozen more nongermane Senate riders come over here. I think we ought to do the same to them and see how they like it.

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

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I yield to my colleague from Illinois.

Mr. COLLIER. Mr. Speaker, just so I may understand the logic of the position which my colleague from Iowa took in his earlier remarks, might I ask this question. If WILLIAM SAXBE had been a Member of the House of Representatives in 1969 when the House voted the Executive salary increases, if he were subsequently reelected and were a Member of the House today, would he be faced with the problem that is created by this provision of the bill?

Mr. DERWINSKI. No. He would not.

Mr. COLLIER. He would not, so that if a Member of the House had voted for an executive department salary raise in 1969, he would have no such problem if he was appointed Attorney General.

Mr. DERWINSKI. Assuming that vote was in 1969.

Mr. COLLIER. That is correct. Is not that a little inconsistent or discriminatory?

Mr. DERWINSKI. Mr. Speaker, may I

address myself to the grand strategy that is unfolding here? First, I appreciate the imagination and the touch of diabolical humor that is going into this bill. In fact, we are telling the Senate that we are tired of their adding nongermane amendments and we are going to give them some of their own medicine.

I understand the strategy. I hope we would just reject those amendments out of hand and vote down nongermane amendments; but the facts of life are such that they in the Senate offer amendments at a time the bill is needed and it is something we must take.

But I believe that we should take a good look at what we are doing this afternoon, if we are using the proper vehicle in seeking legislative revenge. First, this proposed franking bill is not the bill the House passed last spring.

I happen to be a ranking member of the Committee on Post Office and Civil Service. I was under the impression over the weekend that we were going to use the House-passed bill; at least most of the members know what was in it; but what we have before us is evidently a staff plan for consideration in conference with the Senate on the franking bill.

The Committee on Post Office and Civil Service has not processed this bill that is being added to the Saxbe proposal. This smacks to me of doubtful legislation.

We should approve something none of us have really seen, and claim this is the way we are going to get revenge on the Senate. I wish we had another vehicle to put the Senate in its place. Specifically, the Senate bill prohibits mass mailings, and those are defined as similar mailings of no more than 500 identical pieces mailed during the 31-day period before any election.

The House in this bill before us takes the same provision and limits it to 21 days.

We have never had a discussion of the impact, the difficulty, the effect of this amendment in our House committee or here on the floor of the House.

It also takes the Senate language, which prohibits the use of the frank for mailing cards expressing holiday greetings. I am not aware that there has been any major abuse; but here again this is something we did not consider in the House.

The third item applies to changes in the expiration of the franking privilege to former Members. Here again I do not know of any abuse, but we are taking Senate language that did not appear in the House bill, the provision of the Senate language which permits the frank to be used for the payment of mailgrams is accepted.

Mailgrams are a fairly new development in communications. We did not discuss this in the House, yet suddenly it is contained in this proposal before us. As much as I would like to teach the other body a lesson; as much as I would like to tell the other body to cease this gimmick of nongermane amendments, I have to seriously question if we are using the proper vehicle to do it.

Frankly, I am not too enthused about the appointment of Senator SAXBE as Attorney General although I admire him. I would think that the President of the United States ought to be able to find qualified people to serve as Attorney General other than an available member of the club on the other side of this building. But the fact is that the Senate has indicated, that if the President must have an Attorney General, he must be drafted from their club.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GROSS. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, what we have here is a bill which has dubious constitutionality to begin with, which is dictated by the abnormal political problem of the time which is thus a doubtful basis for good legislation. Then, we add to it a franking bill which we have not seen before in the House of Representatives. As much as I think the Senate deserves a lesson, I think we are in danger of over-reacting this afternoon.

Mr. Speaker, I urge the rejection of this proposal.

Mr. DULSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, a shotgun wedding, as the gentleman from Arizona (Mr. UDALL) called this bill, is usually a method of trying to avoid an illegitimate child. I am afraid in this case that we are going to cause an abortion. This bill is a classic example of the kind of thing that makes the public so cynical about the political process in general and Congress in particular. I am not referring to the part of this bill that deals with the franking privilege, but to the Attorney General pay portion of the bill. Of course, the marriage of those two is going to give rise to many other inferences and innuendoes.

I find it incredible that this body has not even conducted hearings on the Attorney General pay bill. Do we normally decide important constitutional questions on the basis of no hearings and 40 minutes debate? That is what we are doing here.

We really do not need to look any further than the language of the Constitution, as the gentleman from Iowa (Mr. GROSS) pointed out. It does not say the Congress "may" waive this clause. It does not say a Member "may" take office if the emoluments previously increased will occur; it does not say that no Senator shall, during the time for which he was elected, be appointed to any office the emoluments of which are at the time he assumes that office higher than when the term for which he was elected began. No, it says in very clear language that he cannot do what this bill would attempt to let him do.

Mr. Speaker, one purpose of the emoluments clause in the Constitution was to prevent individual Members of Congress from being influenced in their votes concerning the salary of executive officers. The Constitution intends that Members vote on such measures without an eye to the person who might fill that office.

Yet, we are now asked to vote for this bill not on its merits, but solely to allow a well-known and well-liked Senator to assume an executive office.

I happen to think Senator SAXBE is an admirable person. He was attorney general of Ohio and certainly would bring to the office a strong and independent character and wealth of experience. From the standpoint of creating a vacancy whereby we can obtain a Democratic Senator from Ohio, it would be a great move and, for me, a gratifying result. So it should satisfy both sides of the aisle. But more is involved than mere political convenience.

And more is involved than the character or qualifications of Senator SAXBE, outstanding though they are. No one claims that Senator SAXBE knew at the time he voted on the 1969 pay bill that he was likely to be nominated for Attorney General. But we have to look beyond the individuals involved.

We have to look at the kind of precedent we create that is likely to open the door to further abuses. It is said that there were two evils perceived by the framers of the emoluments clause of the Constitution: First, that Members might view their election as a stepping stone to some lucrative public office, and second, that an unscrupulous President might use the enticement of public office to influence the votes of the Members of Congress.

If this kind of manipulation is allowed, is it not equally possible to turn around immediately after Mr. SAXBE takes office and increase the Attorney General's salary? Under the reasoning behind this bill it would be, even though it would again violate the letter and the intent of the emoluments clause.

This is not the time to be taking liberties with the Constitution. The Akron Beacon Journal of Friday, November 30, pointed out that with all the scandals we are facing, to have Senator SAXBE become the Nation's highest ranking law enforcement officer under a grave suspicion that his appointment is illegal is not the way we ought to do things in this Congress.

Mr. Speaker, the editorial follows:

SENATE MUST REFUSE SAXBE CONFIRMATION

"No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office."

The "emoluments whereof" that the Constitution refers to were increased for the office of attorney general during William Saxbe's "time for which he was elected" to the Senate. Congress can lower the attorney general's salary back to where it was when Saxbe took his Senate seat, but it cannot expunge the raise from the record. Three at-

torney generals have collected the higher salary.

Unfortunate as it may be, Sen. Saxbe simply is not constitutionally qualified to be attorney general until his Senate term expires in early 1975.

Some, including Sen. Fong of Hawaii, call this nitpicking. We would not, however call it nitpicking to follow the Constitution—the highest law in the land—right to the letter. In these turbulent times, following the law to the letter is an absolute necessity.

If confirmed by the Senate as attorney general, Saxbe would become the nation's highest-ranking law enforcement officer—and he would assume that office amid grave suspicion that his appointment was illegal.

Although no serious questions have been raised about Sen. Saxbe's integrity, this country does not need an attorney general operating under any sort of cloud—even if, as in Saxbe's case, the cloud is totally beyond his control.

The Senate has been wavering on the Saxbe nomination, and we can well understand why. He is a respected member of the Senate club, he is honest and he is more qualified to head the Justice Department than many of his predecessors. And in less scandal-ridden times the intent of the Constitution, to prevent political payoffs, rather than the precise wording, would probably be followed.

Plainly, these are not normal times. That is the reason President Nixon reached for Sen. Saxbe, a frequent critic of the administration. Mr. Nixon once again made a wrong choice, only for a new reason.

If any good example is going to be presented to the American people, the law must be followed. And following the law means rejecting the nomination of Ohio's senior senator to be attorney general. The Senate must reject the nomination.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding me 1 minute.

I would like to ask a question of the chairman of the committee in order to establish a little legislative history here.

There is no printed report on the bill, but I notice in the explanation it says that it is not the intent that a Member may mail as franked mail "any card expressing holiday greetings."

This is very obviously aimed at prohibiting the mailing of Christmas cards, which we always understood to be prohibited anyway.

Would it be the gentleman's interpretation of this that this would also prohibit us from expressing the season's greetings in our normal constituency letters, or if we should be using newsletters some time around the Christmas season, would we be prohibited from having anything of a holiday message in the newsletter?

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

Mr. DICKINSON. Yes, I yield to the gentleman from New York.

Mr. DULSKI. Well, it has been the practice in the past that whenever we put anything into a newsletter, there was no objection, and it went through the mail. That is what happened in the past, and now we have placed this very specifically into the legislation.

In the past other Members mailed newsletters, and there were no questions. Some were then taken into court, and they were told that they cannot even put "good health" or "holiday greetings" in a letter. That is an objection that has to be met.

The SPEAKER. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

Mr. GROSS. Mr. Speaker, I yield 1 additional minute to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, let me see if I understand the gentleman's answer, just to make sure.

It is my custom to close my letters to constituents with a phrase such as "wishing you a very happy holiday season, very truly yours, et cetera," or something similar. Or sometimes in a newsletter I have a picture of a wreath or holly on the paper. The purpose, of course, is not for a seasonal greeting but to communicate matters of legitimate congressional concern. How will this bill affect this?

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

Mr. DICKINSON. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I will say, no. My answer would be that this language would not prohibit that, insofar as the thrust of the newsletter and the thrust of the mailing is official business.

If the fact that the Member would extend holiday greetings to the person would not detract from the thrust of the message, that would not be included in the language of the bill, since the Member has complied with regular mailing standards.

But when we give full consideration to these kinds of things, then the Member would certainly know whether what he was doing is appropriate.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman, and I am glad to have the legislative history made that this is the case.

Mr. DULSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, this legislation violates the intent and clear language of the Constitution. In the face of a constitutional stricture that "no Senator or Representative shall be appointed" if the emoluments of an appointive office are increased, we are asked to enact legislation lowering that emolument to the previous level in the hope that we will so cure the defect. The Constitution will simply not bear such a tortured interpretation of its language. It provides for no such remedy; its wording is unequivical. And in the words of Mr. Justice Holmes in *United States* v. *Brown*, 206 U.S. 240, 244:

> Whatever the consequences, we must accept the plain meaning of the words.

I regard this bill as a very serious bit of cynicism on the part of the House. I further regret that the issue of the emolument for the office of Attorney General has been joined to that of the use of the congressional franking privilege. Both are serious issues and deserve separate and thorough consideration.

The fact is that if we pass this legislation, in no way will we remedy the serious constitutional defect involved. This bill will not change the fact that Mr. SAXBE is not eligible to serve as Attorney General. The office to which he is to be appointed would still have had its emoluments increased, and that alone is sufficient to activate the constitutional bar.

In addition, it looks very strange to the public that we should suddenly revise our Constitution in order to make it possible for one person who happens to be a Member of our body to take office. We do not agree to revise our Constitution when it seriously limits many of the things that many different groupings in our society would like to have accomplished.

Mr. GROSS. Mr. Speaker, I yield such time as he may use to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, the pending bill, as it relates to the compensation of the Attorney General, poses a difficult question of constitutional interpretation. Our responsibility to interpret the language of article 1, section 6, clause 2, is clear and independent of any responsibility which may later evolve upon the judiciary. We should meet that responsibility by reference to established principles of constitutional construction and by reference to our own precedents to the extent we are satisfied that they comport with the law as interpreted by the Supreme Court. But, as a political body, we should also properly consider certain other factors if the application of settled principles of law gives us the latitude to do so.

The Nation needs an Attorney General to give direction and leadership to that floundering agency. No one has seriously questioned the competency of Senator SAXBE to do the job—if he is constitutionally eligible for appointment. Unless the individual Members of Congress are convinced beyond reasonable doubt that article 1, section 6, clause 2, stands as an impenetrable bar to his appointment, we should move quickly and favorably on the legislation before us. It is simple and imperatively in the national interest to do so.

Favorable action on the legislation will, of course, not be without risks. The de facto officers doctrine may not be held adequate to legitimize the acts of an Attorney General later found to be ineligible for appointment. But, in my opinion, the probability is that it will. The risks, in my judgment, of a contrary later view by the Court are not unacceptable given the limited number of nondelegable functions of an Attorney General and the sensitivity of Senator SAXBE to the likelihood of a court test of his authority.

In summary, therefore, we should act favorably on this legislation—if we can.

I am mindful of the familiar rules of construction that limit any reference to underlying policy considerations when the language to be construed is clear and unambiguous. I am also mindful that this rule is not inflexible. Exceptions are recognized to the unambiguous commands of the first amendment that "Congress

shall make no law . . . abridging the freedom of speech, or of the press . . ."; and of the fifth amendment that "No person shall be compelled in any criminal case to be a witness against himself . . ." There are other exceptions as well which have to be considered against the backdrop of the words of article I, section 6, clause 2, and the standard rules of construction to be applied to those words.

On the other hand, I am also mindful that some constitutional language has been construed strictly and even mechanically. Qualifications for elected office, for instance, come readily to mind.

Also those precedents applying a broad interpretation to constitutional language must be given appropriate consideration. In my view this latter category of cases is inapposite to our present situation. It is surely obvious that grants of congressional power, especially when buttressed by a "necessary and proper" clause, are to be given a broad interpretation consistent with the object of the power granted. These precedents do not meet the present case.

The essential question, therefore, is whether article I, section 6, clause 2, is to be construed mechanically, or if exceptions to the language can properly be recognized.

Viewing the array of precedents from McCullock against Maryland to Waltz against Tax Commissioner—involving the establishment clause—to Brown against Walker—involving immunity statutes—to Powell against McCormick—involving qualifications for office—one is hard put to pinpoint any immutable principle which reconciles deferring interpretations placed upon different langauge in the Constitution. Personally, I am satisfied that if a thread of consistency exists, it is that practical necessity will always be a modifier of otherwise unambiguous language. It is a rule of commonsense which our Founding Fathers must be understood to have possessed in abundance.

I should like to suggest a commonsense interpretation of article 1, section 6, clause 2. It is wholly consistent with the words used, applying to them an ordinary meaning, to conclude that Senators and Representatives are barred absolutely from appointment to any office created during the term for which they were elected. It is similarly consistent with the words used to read the section as barring the appointment of such officials to an office if they reap the benefit of emoluments increased during such time. In other words, the emolument clause should be read to apply to the appointee rather than to the office. If so construed Senator SAXBE would be made qualified under this legislation but would become unqualified if the legislation were amended in the future to increase his emoluments during the term for which he was elected.

There is sufficient latent ambiguity in the section to justify such a commonsense construction. What I suggest reconciles the purposes of the provision with the present situation. It can only be unacceptable to those who urge a mechanical application of the language without regard to its objectives.

Frankly, Mr. Speaker if I were cast in a different role and were required to decide this question as a member of the Judiciary, it is possible that I would reach a contrary conclusion. I am just not certain. But there are political imperatives which a Congressman cannot and should not overlook. Those considerations are an important factor in tipping the scales in favor of this legislation.

I urge its passage.

Mr. GROSS. Mr. Speaker, I yield the remainder of the time to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman from Iowa for yielding this time to me. I particularly savor an opportunity to agree with him. I believe his impatience with nonsense is among his most distinguishing and commendable features.

Mr. Speaker, I think the gentleman has very clearly pointed out what nonsense the alleged reduction of the salary is as a means of curing a constitutional defect. For that reason, of course, I shall not go deeply into the constitutional language. He did that very well a moment ago.

The language of article I, section 6, clause 2 quite clearly says that while a man holds a position in Congress in which position he has raised the pay of an office, he may not then later have that office.

Whether we, now in Congress, agree or disagree with the purpose and effect of this constitutional provision, it is our duty to take care that that purpose and effect which is constitutionally commanded is not in any way redirected or changed as the result of this legislation and its desired application. As I shall show, an examination of that application plainly reveals that they are changed.

It is not the purpose of the constitutional provision to deprive a "wrongdoer" of the evil fruits of his wrongdoing. Obviously, higher pay for public service is not per se evil or even undesirable. But it is desirable to prevent those who vote to increase the pay for any civil office from having a personal interest in the increase or to lessen their immediate interest in it.

The way the framers accomplished this quite reasonable purpose was to deny, to a Member, during the term for which he was elected, potential access to the office whose emoluments had been increased during that Member's tenure as a Senator or Representative. This is a straightforward way to accomplish that purpose. It discourages a self-seeking vote by which a Member might use his present office as a stepping stone toward the next.

It removes a conflict of interest, a pressure toward voting higher salaries; that is its purpose. You do not remove that conflict of interest by lowering the salary of the Attorney General when the Senator or Representative who voted for the higher salary takes the office.

Of course, it is obvious that if merely lowering the salary to its former level cures the constitutional defect—which I am sure it does not—you could raise his salary tomorrow; he would not be voting for the increase; the Senate would be voting for the increase; and he could then enjoy the benefits which he originally helped in fashioning.

Does that take away the pressure, the special-interest position of a man voting for an increase in salary of an office which he may ultimately take? I say it does not.

So not only does this device not evade the direct impact of the provision of the Constitution, nor cure the disability of one otherwise disabled by it, but also it does not fulfill the purpose and effect, and thus does not fulfill the spirit of the Constitution with respect to that activity which the Constitution attempts to discourage.

We may say, "Well, we pass unconstitutional measures; we do not know what is constitutional and what is not; we will just turn it over to the Supreme Court and expedite the proceeding by which the validity of the process is determined." But I believe such is not to perform our duty as lawmakers; we have the same responsibility to construe the Constitution as does the Supreme Court and to abide by it. I think the U.S. Congress is as responsible a body to determine its constitutional authority as is the Supreme Court. However, I believe if we write a bill of this nature in which we say, though we have doubts as to constitutional validity, we are going to pass it anyway in order to expedite the matter and turn the entire question over to the Supreme Court, and thus do not accept that responsibility, we fail to comply with the oath of our office. There is only one oath that we take when we are admitted as members and that is that we will support the Constitution of the United States.

Mr. BINGHAM. Will the gentleman yield?

Mr. ECKHARDT. Certainly. I am glad to yield.

Mr. BINGHAM. I thank the gentleman for yielding. I would like to ask him this question: Assuming the Congress had increased the pay of the Attorney General during Senator SAXBE's term and a week later had decreased it back to its original level, would the gentleman then say that the constitutional prohibition still applies?

Mr. ECKHARDT. Surely.

Mr. BINGHAM. How would that be that the pay would not have been increased at the time the appointment was made? The pay would have been increased, and then decreased. It would be back to its original level.

Mr. ECKHARDT. The language of article II, section 6, clause 2 of the Constitution, is as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States . . . the emoluments whereof shall have been increased during such time; . . .

Such time is the time in which the Senator or Representative is serving in that particular office. If the pay for the office was increased during that time, re-

gardless of whether it was subsequently lowered, his action in voting at that time on the salary of a job which he now seeks to take was arguably affected by the fact that he could, or could not, subsequently take the job.

The SPEAKER. The time of the gentleman has expired.

Mr. DULSKI Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I do not believe that all of this debate should pass without somebody saying a good word for BILL SAXBE, and I hope to do that. But I would like to make a couple of observations first.

One is that I never dreamed in the 25 years that I have been here that I would ever see an army captained by the gentleman from Iowa (Mr. GROSS) whose recruits would be the gentlewoman from New York (Ms. ABZUG), the gentleman from Ohio (Mr. SEIBERLING), and the gentleman from Texas (Mr. ECKHARDT).

The second observation I would like to make is that I have heard the constitutionality of everything that has been done in this House in 25 years argued, and if we had paid any attention to all the constitutional lawyers in the House we would never have passed anything, so that the Supreme Court could finally rule on it.

Now I would like to say a word on Senator SAXBE. I have known him for a long time. He was attorney general of Ohio, and if he did not have any other positive quality, and he does, it would be a relief to me to see him in there instead of this bewhiskered boob Bork. That is the guy who is swayed by having somebody down at the White House call him up and say, "Your Commander in Chief wants you to do this."

Well, I can just hear old BILL SAXBE now. You know, if somebody called him up, he would shift his tobacco over to the other side of his face and say, "For God's sake, I am not in the army, therefore I don't have a Commander in Chief." And do not think he would not. You know what he said about the piano player, when they asked him about whether the President knew anything about Watergate or not. I think probably the President was driven to choosing him, and not because he wanted him, but because he knew the American people wanted a man in that office who would be his own man, and who would not hesitate to say what he thought.

Some people think that outspokenness is a vice, but some of us from Ohio who have stayed in office for a long time happen to think it is a virtue.

I think BILL SAXBE is eminently qualified to be Attorney General. He might not be the choice of everybody in the Chamber. I do not know whether Mr. Nixon could pick anybody who would satisfy Ms. ABZUG, and if he did, I do not think he would.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. DULSKI. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio.

Mr. HAYS. I thank the gentleman for the additional time.

So, Mr. Speaker, you know, we are confronted with a classic situation here. I think what we need is an Attorney General. I think Mr. SAXBE would be an acceptable Attorney General. I think he did a lot of good things when he was attorney general of Ohio. He brought cases against corporations that needed cases brought against them. He was his own man. He did not take orders from the Governor. He did the job as he thought it ought to be done, and I just believe from what I know of him that he would do that in this job.

Now, some of you say, "Why did he say he did not want to be in the Senate, but he would take this job?" Well, you have been around the Senate a long time, you ought to know why he would say that. He is dissatisfied over there, and I can understand his dissatisfaction there. The truth of the matter is, you know, we in Ohio have two of the most dissatisfied politicians in the country.

BILL SAXBE always wanted to be Governor, and by some quirk he found himself in the Senate. Our Governor always wanted to be a Senator, and he wound up in the Governor's office. It was too bad they could not trade places, because each of them was miscast, he thought, at least, where he is.

I happen to think SAXBE has been a good Senator, as I think Gilligan has been a good Governor, but I think SAXBE wants to rise to the challenge of the situation. I think he is frustrated by being a junior Senator over there. He has said repeatedly that junior Senators are expendable, that nobody pays any attention to them

The Members know how the situation goes. We have a classic example of it here today. We passed a bill. The Senate passed a bill, and one man has made a decision that they will not go to conference. That kind of thing just fed BILL SAXBE up. I personally would like to see him as Attorney General of the United States. I think he would bring a lot of fresh air into that office, and I think the Members are missing a bet if they do not vote to give him that chance.

The SPEAKER. The time of the gentleman has expired.

Mr. DULSKI. Mr. Speaker, I should like to just clarify one statement that was made by the gentleman from Illinois. He stated that he does not know what was in the bill. Only about 96 percent of the House-passed bill is in the new H.R. 11710. There are only four minor changes in it, and that mostly relates to dates. It has nothing to do with the prohibition of any of the franking privileges.

Mr. BINGHAM. Mr. Speaker, although I have the greatest respect for my colleagues who have argued that H.R. 11710 is unconstitutional, I cannot agree with them.

First, on the substantive level: The intent of article I, section 6 of the Constitution was to prevent Members of Congrses from benefiting by an increase in executive branch salaries enacted during their term in Congress. By reason of this bill, if Senator SAXBE is confirmed as Attorney General, he will not benefit from the earlier law increasing the Attorney General's salary.

On the technical level, it seems to me a reasonable interpretation of the constitutional provision that it implies that the increase be applicable at the time the appointment is made effective by Senate confirmation.

Thus, as I suggested in my earlier question to the gentleman from Texas (Mr. ECKHARDT), it appears to me that if the pay increase had been enacted and then promptly repealed during Senator SAXBE's term, the constitutional bar would not apply to him. The fact that the pay reduction takes place after the nomination has been made does not alter this conclusion. In other words, I believe it is reasonable to read the Constitution as referring to a salary increase which was adopted during the Member's term and which remains in effect at the time of the appointment.

As for joining the provisions dealing with the franking privilege to those reducing the Attorney General's salary, I agree with what the gentleman from Arizona (Mr. UDALL) said. I would not ordinarily favor such a procedure, but believe it is justifiable in this case in view of the tactics followed in the other body.

Mr. McCLORY. Mr. Speaker, while I have some reservations regarding this measure (H.R. 11710) insofar as it relates to the franking privilege of Members of the House of Representatives, I have no doubt about the proposed change in the civil service law which would remove any obstacle to the confirmation of Senator WILLIAM B. SAXBE of Ohio as Attorney General of the United States.

Mr. Speaker, I have known BILL SAXBE on a fairly intimate basis since his election to the U.S. Senate in 1968—and I have worked with him at a number of conferences of the Interparliamentary Union Conference where we have both served as delegates representing our Nation.

Senator SAXBE is a completely honest and forthright individual who possesses exceptional talents as a lawyer and public official. His experience in the Ohio Legislature, his service as attorney general for the State of Ohio, and his more recent career in the U.S. Senate qualify him eminently for the high position of Attorney General of the United States.

Mr. Speaker, it would seem that the framers of our Constitution never intended to bar Members of the Congress from serving in important executive department offices merely because of an unrelated vote affecting the salary or benefits of an office to which they might later be appointed. Senator SAXBE did not have himself in mind when he voted to increase the salaries of Cabinet officers and virtually all other Federal officials in 1969.

Mr. Speaker, in order to eliminate any possibility of benefit to Senator SAXBE, he has himself supported a reduction of the salary of the Attorney General from $60,000 to $35,000, thus returning it to the level which existed prior to his 1969 vote. There is clearly a precedent for this action in the 1909 nomination and con-

firmation of Senator Philander Chase Knox as Secretary of State. At that time the Congress took precisely the same step as that which is now embodied in this legislation.

Mr. Speaker, my wife, Doris, and I are close friends of WILLIAM SAXBE and his faithful and talented wife, Dolly Saxbe. The Saxbes project an image of candor and honor in our National Government, and can contribute substantially to the respect in which public officials of our Nation should be held. I am voting for the franking privilege amendment primarily because it contains the legislative change which can enable BILL SAXBE to qualify for confirmation as Attorney General of the United States. I hope that following passage of this measure the Senate will act promptly and that BILL SAXBE will be installed as Attorney General before the end of this year to bring his talents of leadership and professional skill to the great office of Attorney General of the United States.

Mr. KASTENMEIER. Mr. Speaker, the purpose of H.R. 11710, we are told, is to reduce the salary of the Attorney General so as to enable Senator SAXBE, if confirmed by the Senate, to serve in that office. I, however, do have reservations as to whether this legislative change in salary resolved the constitutional problem associated with this nomination.

Article I, section 6, clause 2 of the Constitution states that:

> No Senator or Representative shall, during the time for which he was elected be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .

By simply enacting remedial legislation to reduce the salary of the Attorney General, I am not sure, as I previously mentioned, that this eliminates the constitutional impediment to Senator SAXBE'S appointment. Nevertheless, because it is desirable that this legal issue receive prompt adjudication, I am voting for this bill.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. DULSKI) that the House suspend the rules and pass the bill H.R. 11710, as amended.

The question was taken; and the Speaker announced that the Chair was in doubt.

Mr. UDALL. 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 261, nays 129, not voting 43, as follows:

[Roll No. 616]

YEAS—261

Adams	Brademas	Camp
Addabbo	Brasco	Carey, N.Y.
Alexander	Bray	Carney, Ohio
Anderson, Ill.	Breaux	Carter
Andrews, N.C.	Brinkley	Cederberg
Annunzio	Brooks	Chamberlain
Arends	Broomfield	Chappell
Aspin	Brotzman	Clancy
Barrett	Brown, Calif.	Clark
Bennett	Brown, Mich.	Clausen,
Bergland	Broyhill, N.C.	Don H.
Biaggi	Buchanan	Cleveland
Bingham	Burke, Fla.	Cochran
Blatnik	Burke, Mass.	Cohen
Boggs	Burleson, Tex.	Collier
Boland	Burton	Collins, Ill.
Collins, Tex.	Kazen	Roe
Conte	King	Roncalio, Wyo.
Corman	Kluczynski	Roncallo, N.Y.
Coughlin	Kuykendall	Rooney, Pa.
Cronin	Kyros	Rose
Daniels,	Landgrebe	Roush
Dominick V.	Latta	Ruppe
Danielson	Leggett	Ruth
Davis, Ga.	Lehman	Ryan
Davis, Wis.	Lent	St Germain
de la Garza	Litton	Sandman
Dent	Long, La.	Sarasin
Devine	Long, Md.	Sebelius
Dickinson	Lott	Shipley
Donohue	Lujan	Shoup
Dorn	McClory	Shriver
Dulski	McCollister	Sisk
Eilberg	McCormack	Skubitz
Esch	McDade	Slack
Eshleman	McFall	Smith, Iowa
Evans, Colo.	McKay	Staggers
Fascell	Madden	Stanton,
Findley	Madigan	J. William
Fisher	Mahon	Stanton,
Flood	Mann	James V.
Flynt	Maraziti	Steed
Foley	Martin, Nebr.	Steele
Ford, Gerald R.	Mathias, Calif.	Steelman
Forsythe	Matsunaga	Steiger, Wis.
Fraser	Meeds	Stratton
Frey	Melcher	Stubblefield
Fulton	Metcalfe	Sullivan
Fuqua	Milford	Symington
Gaydos	Miller	Taylor, Mo.
Giaimo	Minish	Taylor, N.C.
Gibbons	Minshall, Ohio	Teague, Calif.
Gilman	Mitchell, N.Y.	Teague, Tex.
Goldwater	Moakley	Thomson, Wis.
Grasso	Mollohan	Thornton
Gray	Montgomery	Tiernan
Green, Oreg.	Moorhead, Pa.	Towell, Nev.
Green, Pa.	Morgan	Treen
Griffiths	Mosher	Udall
Grover	Murphy, Ill.	Ullman
Guyer	Murphy, N.Y.	Van Deerlin
Haley	Nelsen	Vander Jagt
Hamilton	Nix	Vanik
Hanley	Obey	Veysey
Hanna	O'Brien	Vigorito
Hanrahan	Passman	Ware
Hansen, Idaho	Patman	Whalen
Hansen, Wash.	Patten	White
Harsha	Pepper	Widnall
Harvey	Perkins	Wiggins
Hastings	Pettis	Williams
Hays	Peyser	Wilson,
Heckler, Mass.	Pickle	Charles H.,
Helstoski	Poage	Calif.
Henderson	Podell	Wilson,
Hicks	Powell, Ohio	Charles, Tex.
Hillis	Preyer	Wolff
Hinshaw	Price, Ill.	Wyatt
Holifield	Price, Tex.	Wydler
Horton	Quie	Wylie
Hosmer	Quillen	Wyman
Hudnut	Railsback	Yatron
Hunt	Rangel	Young, Ill.
Ichord	Rees	Young, S.C.
Johnson, Calif.	Regula	Young, Tex.
Johnson, Pa.	Reuss	Zablocki
Jones, N.C.	Rhodes	Zion
Jordan	Roberts	Zwach
Karth	Robison, N.Y.	
Kastenmeier	Rodino	

NAYS—129

Abdnor	Daniel, Robert	Hammer-
Abzug	W., Jr.	schmidt
Anderson,	Davis, S.C.	Harrington
Calif.	Delaney	Hechler, W. Va.
Andrews,	Dellenback	Heinz
N. Dak.	Dellums	Hogan
Archer	Denholm	Holt
Armstrong	Derwinski	Holtzman
Ashbrook	Dingell	Howard
Badillo	Drinan	Huber
Bafalis	Duncan	Hungate
Baker	du Pont	Hutchinson
Bauman	Eckhardt	Jones, Tenn.
Beard	Edwards, Ala.	Kemp
Bell	Edwards, Calif.	Ketchum
Bevill	Erlenborn	Koch
Biester	Evins, Tenn.	McCloskey
Blackburn	Fish	McEwen
Bolling	Ford,	Mailliard
Breckinridge	William D.	Mallary
Broyhill, Va.	Fountain	Martin, N.C.
Burlison, Mo.	Frelinghuysen	Mathis, Ga.
Butler	Frenzel	Mayne
Byron	Froehlich	Mazzoli
Clay	Gettys	Mezvinsky
Conable	Ginn	Mink
Conlan	Gonzalez	Mitchell, Md.
Crane	Goodling	Moorhead,
Culver	Gross	Calif.
Daniel, Dan	Gude	Moss
Myers	Rosenthal	Spence
Natcher	Rostenkowski	Stark
Nedzi	Rousselot	Steiger, Ariz.
Nichols	Roy	Studds
O'Hara	Roybal	Symms
Parris	Runnels	Thompson, N.J.
Pike	Sarbanes	Thone
Pritchard	Satterfield	Waldie
Randall	Scherle	Wampler
Rarick	Schneebeli	Whitehurst
Reid	Schroeder	Whitten
Riegle	Seiberling	Winn
Rinaldo	Shuster	Yates
Robinson, Va.	Smith, N.Y.	Young, Alaska
Rogers	Snyder	Young, Fla.

NOT VOTING—43

Ashley	Gunter	O'Neill
Bowen	Hawkins	Owens
Brown, Ohio	Hébert	Rooney, N.Y.
Burgener	Jarman	Sikes
Burke, Calif.	Johnson, Colo.	Stephens
Casey, Tex.	Jones, Ala.	Stokes
Chisholm	Jones, Okla.	Stuckey
Clawson, Del	Keating	Talcott
Conyers	Landrum	Waggonner
Cotter	McKinney	Walsh
Dennis	McSpadden	Wilson, Bob
Diggs	Macdonald	Wright
Downing	Michel	Young, Ga.
Flowers	Mills, Ark.	
Gubser	Mizell	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill and Mr. Rooney of New York for, with Mrs. Chisholm against.

Mr. Sikes and Mr. Hawkins for, with Mr. Conyers against.

Mr. Hébert and Mr. Waggonner for, with Mrs. Burke of California against.

Mr. Cotter and Mr. Ashley for, with Mr. Young of Georgia against.

Until further notice:

Mr. Stephens with Mr. Downing.
Mr. Owens with Mr. Jarman.
Mr. Macdonald with Mr. Stuckey.
Mr. Bowen with Mr. Walsh.
Mr. Flowers with Mr. McKinney.
Mr. Diggs with Mr. Gunter.
Mr. Jones of Alabama with Mr. Michel.
Mr. Landrum with Mr. Del Clawson.
Mr. Mills of Arkansas with Mr. Dennis.
Mr. McSpadden with Mr. Gubser.
Mr. Casey of Texas with Mr. Mizell.
Mr. Jones of Oklahoma with Mr. Stokes.
Mr. Wright with Mr. Talcott.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. 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, H.R. 11710.

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

There was no objection.

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2673) to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969, and to strike out all after the enacting clause of the Senate bill and substitute the text of the bill (H.R. 11710) as just passed by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to

the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

INTERNATIONAL TRAVEL ACT OF 1961 AUTHORIZATION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9437) to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, as amended.

The Clerk read as follows:

H.R. 9437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 6 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows: "For purposes of carrying out the provisions of this Act, there is authorized to be appropriated an aggregate amount not in excess of (1) $15,000,000 for the fiscal year ending June 30, 1974; (2) $20,000,000 for the fiscal year ending June 30, 1975; and (3) $25,000,000 for the fiscal year ending June 30, 1976.".

(b) In determining whether appropriations for the fiscal year ending June 30, 1974, for carrying out the International Travel Act of 1961 exceed $15,000,000 in the aggregate, any appropriation made to carry out such Act for such fiscal year before the date of enactment of this Act shall be included.

SEC. 2. (a) There are hereby transferred to and vested in the Secretary of Commerce all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior under the Act of July 19, 1940 (54 Stat. 773; 16 U.S.C. 18–18d).

(b) The assets, liabilities, contracts, property, records, authorizations, and allocations, employed, held, used, rising from, available or to be made available in connection with the functions, powers, and duties transferred by subsection (a) of this section are hereby transferred to the Secretary of Commerce.

The SPEAKER. Is a second demanded?

Mr. BROYHILL of North Carolina. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

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

Mr. Speaker, this bill authorizes appropriations for fiscal years 1974–76 to carry out the provisions of the International Travel Act of 1961. The specific amounts for each fiscal year are $15 million for fiscal year 1974, $20 million for fiscal year 1975, and $25 million for fiscal year 1976. These authorized sums are based on the implementation by the U.S. Travel Service—USTS—of a marketing plan for travel promotion. The main purpose of this act is to encourage foreign travelers to visit the United States. The authorization level for the past 3 years has been $15 million.

This bill will also transfer the authority of the Secretary of the Interior to encourage travel within the United States to the Secretary of Commerce.

The Department of the Interior has had this authority since 1940, but the program is now dormant. No funds have been requested for 2 fiscal years. The 1970 amendments to the International Travel Act established a National Tourism Resources Review Commission to survey tourism needs and resources over a 2-year period.

One of the main goals of the Commission's report, published in June 1973, is to consolidate in the Department of Commerce the authority to promote both international and domestic travel. This bill will accomplish this goal. Both the Interior and Commerce Departments support this provision. No additional funds are to be sought for the domestic travel program for fiscal year 1974.

The Subcommittee on Commerce and Finance held hearings on October 5, 1973, on three appropriations bills, including the Senate-passed bill S. 1747. The two House bills were H.R. 7729, the administration proposal, and H.R. 9437 which I introduced.

H.R. 4964 introduced by Mr. MATSUNAGA, was also considered and contained the provision transferring the domestic travel promotion authority to the Department of Commerce. The subcommittee, after executive session, reported H.R. 9437 to the full committee with two amendments.

The first amendment struck the $30 million authorization for fiscal years 1974–76 and substituted the stepped figures of $15, $20, and $25 million. The second amendment added to H.R. 9437 the provision transferring the domestic travel program authority from the Department of the Interior to the Department of Commerce.

The full committee reported the bill. H.R. 9437, by voice vote on November 15, 1973, with no further amendments.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the first question is this:

Is the report accompanying this bill, No. 9427, the correct number?

Mr. STAGGERS. That number is incorrect. That is the way it is shown. But we have suspended the rules, and there was a mistake there. The bill is actually correctly numbered as H.R. 9437.

Mr. GROSS. This bill would provide for the expenditure of $60 million?

Mr. STAGGERS. $15 million, $20 million, and $25 million, the gentleman is correct.

Mr. GROSS. Adding up to the total of $60 million?

Mr. STAGGERS. The gentleman is correct.

Mr. GROSS. And with $15 million of it to be expended in the last 6 months of this fiscal year; is that correct?

Mr. STAGGERS. The appropriations for this year were $9 million. Now, I might say to the gentleman, that is correct. The gentleman is correct in the assertion that he has made.

Mr. GROSS. Mr. Speaker, may I ask the gentleman this:

In view of the fuel shortage, how are these foreign tourists going to get around over this country?

Mr. STAGGERS. I might say to the gentleman that ordinarily tourists who come to this country use mass transportation, such as the airlines, buses, and trains.

Mr. GROSS. Well, the gentleman is aware, is he not, that many air flights have been canceled as well as bus schedules.

Mr. STAGGERS. That is right.

It would necessitate their making reservations far in advance if they are going to travel, and we have recognized this fact.

We hope that when they come to Washington they would use mass transportation here. A lot of it would be in sightseeing and the use of hotels and consumption of food which does not use too much energy, and the energy would be used anyhow whether they were here or not.

Mr. GROSS. Even with the uncertainty which prevails today and which faces us down the road for a long time in the future as to the ability to travel in this country, the gentleman still wants $60 million to bring foreign tourists to this country?

Mr. STAGGERS. That is what is in the bill. When it came out I do not believe we anticipated the fuel shortage we have now.

I might say this is subject to action by the Committee on Appropriations. I doubt very much whether they will appropriate this amount of money under the conditions as they exist now. We always must plan to do what we can for the future, and that is what we are trying to do here.

Mr. GROSS. Regardless of whether there is any money in the Treasury or not, we must keep right on spending. Is that right?

Mr. STAGGERS. I do not think the gentleman is correct.

Mr Speaker, I yield such time as he may use to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 9437, the bill to amend the International Travel Act of 1961. I commend the Committee on Interstate and Foregin Commerce and its distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS) for the expeditious reporting of the bill. I am especially grateful to the gentleman from California, Mr. Moss, for having been instrumental in incorporating my bill, H.R. 4964, into the committee bill.

As a consequence, in addition to authorizing appropriations for the U.S. Travel Service, H.R. 9437 provides for a long-needed consolidation of 136 programs in 46 Federal departments and agencies under a single authority—the Department of Commerce. Such a consolidation, as proposed by my bill, and now by the committee bill, is essential to the success of any travel program, as we have learned in my home State of Hawaii. Hawaii, which has considerable experience and success in the tourist trade, has had such a unified agency for several decades. The Hawaii Visitors Bureau, which essentially performs the same functions proposed for the U.S. Travel Service, can take large credit for attracting an estimated 2.5 million visitors to Hawaii's shores in 1973. This rep-

resents a 30-percent increase over 1971 when 1.8 million tourists flocked to our islands. Importantly, over half a million of these visitors arrived from foreign lands to spend their vacation dollars in the 50th State, among them a quarter million yen-laden Japanese tourists in 1973. Much of this success may be attributed to the Hawaii Visitors Bureau which operates several offices in foreign countries, with special attention to the rich Japanese travel market.

If we wish to maintain a favorable balance of trade with our foreign trading partners, there is no better way than through inexpensive tourist promotion in these countries. To use Hawaii again as an example, a total of $825 million is expected to be spent in the Aloha State during 1973 by visitors. This is the largest single source of privately generated revenue for the State. To reap this economic bonanza, Hawaii spent in total public funds and private contributions a mere $1.9 million, or 2.4 percent of the gross return, for promotional activities, through the Hawaii Visitors Bureau. Certainly, there could be no better investment of taxpayer's dollars.

With the United States suffering an annual deficit of $3.1 billion in international tourist dollars, we can ill afford not to make the small annual investment of $15 to $20 million proposed in this bill. H.R. 9437 represents a small, but wise step Congress should take to avoid the dollar drain that typifies our economy today.

For each foreign visitors we attract to our country we counterbalance over $400 in American dollars flowing overseas to buy foreign goods. Can there be a better investment of public funds than that which will return American dollars, improve relations with our foreign neighbors, and create thousands of jobs here at home? I submit there is not, and I urge the overwhelming approval of this important measure.

Mr. BROYHILL of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 9437, a bill to amend the International Travel Act of 1961 to authorize appropriations of $15 million, $20 million and $25 million for fiscal years 1974, 1975, and 1976. In addition, this bill would transfer the authority of the Secretary of Interior under the act of July 19, 1940 to encourage travel throughout the United States to the Secretary of Commerce.

The primary purpose of the International Travel Act of 1961 was to create a Federal program within the Department of Commerce specifically designed to encourage foreign travelers to visit the United States. The U.S. Travel Service was organized within the Department of Commerce for this purpose and initially funded at a level of $3 million for fiscal year 1962. From 1963 through 1970 the U.S. Travel Service fiscal authorization level was $4.7 million. In 1970, the authorization was increased to a level of $15 million for fiscal years 1971, 1972 and 1973.

Today, the United States suffers from a chronic imbalance in the travel account. Last year, the United States hosted approximately 13 million foreign visitors and received $3.2 billion from these visitors. On the other hand, 24.5 million U.S. citizens traveled abroad and spent $6.4 billion. The large amount of U.S. travelers' expenditures abroad resulted in a U.S. travel deficit of $3.2 billion, an increase of 20 percent over the 1971 deficit. This deficit, known as the "travel gap" has contributed significantly to our balance-of-payments problems.

Worldwide, international travel has become an important item in foreign trade, growing over 12 percent annually. An estitmated 198 million international travelers spent over $25 billion in 1972 alone. However, the United States attracted only 7 percent of these travelers.

Clearly, increased foreign travel to the United States can be in our best interests. In addition to international good will and understanding generated from such visits, receipts from such visitors generate jobs and income for U.S. citizens.

It has been estimated that for every $20,000 foreign visitors spend in the United States, one job is created or supported.

Our overseas neighbors are well aware of the economic benefits of tourism and have maintained vigorous programs to capture as much of the $25 billion world tourism market as possible. The United States has found it difficult to compete with these countries offering comprehensive travel services and low-cost package tours.

We cannot hope to capture the expanding travel market without renewed efforts to encourage travel to the United States. There is evidence that there is substantial interest abroad in visiting the United States.

It now appears that the major obstacle to developing travel programs to the United States—the high cost—has been reduced by significant dollar devaluations and the growing inflation abroad.

In addition, international airfares and group travel restrictions appear to be changing to make it easier for foreign travelers to qualify for low-cost group airfares to the United States.

The U.S. Travel Service now believes that the climate is right to embark on a more active sales effort to develop specific travel programs to the United States.

The U.S. Travel Service, to compete in this growing international tourism market, has adopted a comprehensive plan aimed at changing a vague desire to travel to the United States into a seriously considered trip to the United States. This integrated marketing plan, the result of a study completed in December 1972 for the Department of Commerce by a management consultant firm, established a 5-year travel and promotion program which integrates the U.S. Travel Service activities to accomplish a series of stated objectives designed to stimulate travel to the United States. By 1976, it is projected that at least 20 million foreign visitors and at least $5.4 billion in travel receipts will be received.

The basic thrust of the plan is: selling foreign nationals on travel to the United States, selling foreign travel trade on selling travel to the United States and selling U.S. organizations on receiving foreign visitors. The marketing strategy will concentrate on the six countries which produce 90 percent of all U.S. visitors: Canada, Mexico, Japan, United Kingdom, Germany, and France. This will be accomplished by providing specific information on vacation in the United States with respect to destination, costs and so forth, and convincing the potential travelers that now is the time to take that long-awaited trip. Development of tour packages, special interest travel programs, specific event-related programs, and advanced booking charter programs will be stressed.

In addition, the matching grant program to cities, States, and nonprofit organizations will be expanded and developed. The USTS has indicated that the matching grant program has the highest priority, and should prove particularly important in view of the developing Bicentennial celebrations. In my view, this is money well spent.

The remaining section of this bill transfers to the Secretary of Commerce certain functions of the Secretary of Interior relating to encouraging, promoting and developing travel within the United States. This will consolidate the present scattering of 136 programs in 46 Federal departments and agencies. This transfer of tourism functions and resulting consolidation of foreign and domestic tourism responsibilities within one agency should result in significant economies.

The history of the United States in capturing its share of the world tourism market has been one of lost time and lost opportunities. I believe that this legislation through its authorizing level, will aid significantly in promoting tourism through the innovative programs of the U.S. Travel Service. I support this legislation and urge my colleagues to join me in this support.

In answer to questions on the floor regarding the energy crisis' impact on tourism in this country. The following facts are important:

First. U.S. tourism expenditures are about $50 billion annually; 2½ million people are employed in the tourism industry. Therefore, any energy conservation measures should be flexible enough to avoid adverse impact on this important area of employment and the economy.

Second. Foreign tourists generally use economical mass transit and account for less than 1 percent of automobile fuel consumption in the United States.

Third. For every $20,000 in foreign tourism spending, one U.S. job is supported. Last year with $3.2 billion in receipts, 160,000 U.S. jobs were supported.

Fourth. Reduction in air service may mean booking further in advance and more crowded flights. Therefore, U.S. Travel Service development of economical package tours is important. This is a major budget item.

Fifth. The tourism industry is a rela-

tively low consumer of energy. Lodging and food may consume no more energy resources than at home. Typical tourist activities consume little energy yet generate jobs and income.

Sixth. The United States suffers from a chronic deficit in its balance of payments. The "travel gap" forms a large part of this deficit, totaling $3.1 billion in 1972. In 1960 the travel gap deficit was $1.3 billion. This deficit can be decreased by a more effective U.S. Travel Service.

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 9437 as amended.

The question was taken.

Mr. GROSS. 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 was 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 272, nays 120, not voting 41, as follows:

[Roll No. 617]

YEAS—272

Abdnor	Dellenback	Howard
Abzug	Dellums	Hudnut
Adams	Dent	Hungate
Addabbo	Dingell	Ichord
Alexander	Donohue	Johnson, Calif.
Anderson, Ill.	Dorn	Johnson, Pa.
Andrews, N.C.	Drinan	Jones, Ala.
Andrews, N. Dak.	Dulski	Jordan
Annunzio	Duncan	Karth
Arends	du Pont	Kastenmeier
Armstrong	Eckhardt	Kluczynski
Aspin	Edwards, Ala.	Koch
Badillo	Edwards, Calif.	Kuykendall
Baker	Eilberg	Kyros
Barrett	Erlenborn	Latta
Bell	Esch	Leggett
Bergland	Evans, Colo.	Lehman
Biaggi	Evins, Tenn.	Lent
Bingham	Fascell	Litton
Blackburn	Findley	Long, La.
Blatnik	Fish	Long, Md.
Boggs	Fisher	Lujan
Boland	Flood	McClory
Bolling	Foley	McCloskey
Brademas	Ford, Gerald R.	McCollister
Brasco	Ford, William D.	McCormack
Bray	Forsythe	McDade
Breckinridge	Fraser	McFall
Brooks	Frelinghuysen	McKay
Broomfield	Frenzel	McKinney
Brotzman	Fulton	Madden
Brown, Calif.	Fuqua	Mahon
Broyhill, N.C.	Gaydos	Mailliard
Broyhill, Va.	Gettys	Mallary
Buchanan	Giaimo	Mann
Burke, Fla.	Gibbons	Martin, N.C.
Burke, Mass.	Goldwater	Mathias, Calif.
Burton	Gonzalez	Matsunaga
Byron	Grasso	Mazzoli
Carey, N.Y.	Gray	Meeds
Carney, Ohio	Green, Oreg.	Melcher
Carter	Green, Pa.	Metcalfe
Cederberg	Griffiths	Mezvinsky
Chamberlain	Grover	Minish
Clausen, Don H.	Guyer	Mink
Clay	Hamilton	Minshall, Ohio
Cohen	Hammer-schmidt	Mitchell, Md.
Collier	Hanley	Mitchell, N.Y.
Collins, Ill.	Hanna	Moakley
Conte	Hanrahan	Mollohan
Corman	Hansen, Idaho	Moorhead, Calif.
Coughlin	Hansen, Wash.	Moorhead, Pa.
Cronin	Harrington	Morgan
Culver	Harsha	Mosher
Daniel, Robert W., Jr.	Harvey	Moss
Daniels, Dominick V.	Heckler, Mass.	Murphy, Ill.
Danielson	Helstoski	Murphy, N.Y.
Davis, Ga.	Hicks	Natcher
Davis, S.C.	Hogan	Nedzi
Davis, Wis.	Holifield	Nelsen
Delaney	Holtzman	Nix
	Horton	O'Brien
	Hosmer	O'Hara
		Passman
		Patman
		Patten
		Pepper
		Perkins
		Pettis
		Peyser
		Pickle
		Pike
		Podell
		Preyer
		Price, Ill.
		Pritchard
		Quie
		Railsback
		Rangel
		Rees
		Reid
		Reuss
		Rhodes
		Riegle
		Rinaldo
		Robison, N.Y.
		Rodino
		Roe
		Rogers
		Roncalio, Wyo.
		Roncallo, N.Y.
		Rooney, Pa.
		Rosenthal
		Rostenkowski
		Roybal
		Ruppe
		Ruth
		Ryan
		Sandman
		Sarasin
		Sarbanes
		Satterfield
		Schneebeli
		Seiberling
		Shipley
		Shoup
		Sisk
		Smith, N.Y.
		Staggers
		Stanton, J. William
		Stanton, James V.
		Stark
		Steele
		Steelman
		Stratton
		Studds
		Sullivan
		Symington
		Taylor, N.C.
		Thompson, N.J.
		Thomson, Wis.
		Thone
		Thornton
		Towell, Nev.
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vanik
		Veysey
		Vigorito
		Waldie
		Ware
		Whalen
		Whitehurst
		Widnall
		Wiggins
		Williams
		Wilson, Charles H., Calif.
		Wolff
		Wyatt
		Wyman
		Yatron
		Young, Ill.
		Young, S.C.
		Young, Tex.
		Zablocki
		Zwach

NAYS—120

Anderson, Calif.	Gude	Robinson, Va.
Archer	Gunter	Rose
Ashbrook	Haley	Roush
Bafalis	Hastings	Rousselot
Bauman	Hays	Roy
Beard	Hechler, W. Va.	Runnels
Bennett	Heinz	St Germain
Bevill	Henderson	Scherle
Biester	Hillis	Schroeder
Breaux	Hinshaw	Sebelius
Brinkley	Holt	Shriver
Brown, Mich.	Huber	Shuster
Burleson, Tex.	Hunt	Sikes
Burlison, Mo.	Hutchinson	Skubitz
Butler	Jones, N.C.	Slack
Camp	Jones, Tenn.	Smith, Iowa
Chappell	Kazen	Snyder
Clancy	Kemp	Spence
Clark	Ketchum	Steed
Cleveland	King	Steiger, Ariz.
Cochran	Landgrebe	Steiger, Wis.
Collins, Tex.	Lott	Stubblefield
Conable	McEwen	Symms
Conlan	Madigan	Taylor, Mo.
Crane	Maraziti	Teague, Calif.
Daniel, Dan	Martin, Nebr.	Teague, Tex.
de la Garza	Mathis, Ga.	Tiernan
Denholm	Mayne	Treen
Derwinski	Miller	Wampler
Devine	Montgomery	White
Dickinson	Myers	Whitten
Eshleman	Nichols	Wilson, Charles, Tex.
Flynt	Obey	Winn
Fountain	Poage	Wydler
Frey	Powell, Ohio	Wylie
Froehlich	Price, Tex.	Yates
Gilman	Quillen	Young, Alaska
Ginn	Randall	Young, Fla.
Goodling	Rarick	Zion
Gross	Regula	
	Roberts	

NOT VOTING—41

Ashley	Gubser	O'Neill
Bowen	Hawkins	Owens
Brown, Ohio	Hébert	Parris
Burgener	Jarman	Rooney, N.Y.
Burke, Calif.	Johnson, Colo.	Stephens
Casey, Tex.	Jones, Okla.	Stokes
Chisholm	Keating	Stuckey
Clawson, Del	Landrum	Talcott
Conyers	McSpadden	Waggonner
Cotter	Macdonald	Walsh
Dennis	Michel	Wilson, Bob
Diggs	Milford	Wright
Downing	Mills, Ark.	Young, Ga.
Flowers	Mizell	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill and Mr. Rooney of New York for, with Mr. Flowers against.

Mr. Hébert and Mr. Waggonner for, with Mr. Macdonald against.

Mr. Walsh and Mr. Michel for, with Mr. Del Clawson against.

Until further notice:

Mr. Cotter with Mr. Landrum.
Mr. Mills of Arkansas with Mr. McSpadden.
Mr. Stephens with Mr. Talcott.
Mr. Ashley with Mr. Parris.
Mr. Casey of Texas with Mr. Mizell.
Mrs. Chisholm with Mr. Owens.
Mr. Milford with Mr. Conyers.
Mr. Stokes with Mr. Jones of Oklahoma.
Mr. Jarman with Mr. Dennis.
Mrs. Burke of California with Mr. Brown of Ohio.
Mr. Hawkins with Mr. Downing.
Mr. Diggs with Mr. Stuckey.
Mr. Wright with Mr. Gubser.
Mr. Bowen with Mr. Bob Wilson.
Mr. Keating with Mr. Young of Georgia.

The result of the vote was announced as above recorded.

The title was amended so as to read "A bill to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, and for other purposes."

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the Senate bill (S. 1747) to amend the International Travel Act of 1961 with respect to authorizations of appropriations, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AUTHORIZING MARKERS IN STATUARY HALL FOR LOCATION OF DESKS OF NINE FORMER MEMBERS OF CONGRESS WHO BECAME PRESIDENT

Mr. NEDZI. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 605) to authorize markers in Statuary Hall for the location of the desks of nine former Members of Congress who became President, as amended.

The Clerk read as follows:

H. RES. 605

Whereas the Capitol and Statuary Hall are a living memorial to the history of the world's first free and democratic nation; and

Whereas the following nine former Representatives in Congress served when Statuary Hall was the Chamber of the House of Representatives and became President of the United States; John Quincy Adams, James Buchanan, Millard Fillmore, William Henry Harrison, Andrew Johnson, Abraham Lincoln, Franklin Pierce, James Knox Polk, and John Tyler: Now, therefore, be it

Resolved, That a suitable marker be placed in the floor of Statuary Hall at the approximate location of a desk used by each such Member, and that the Architect of the Capitol is directed to accomplish this in accordance with a design approved by the Committee on House Administration.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

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

Mr. Speaker, the purpose of House Resolution 605 is to effect the placement in Statuary Hall of markers for the desks of nine former Members of Congress who became President. The nine are: John Quincy Adams, James Buchanan, Millard Fillmore, William Henry Harrison, Andrew Johnson, Abraham Lincoln, Franklin Pierce, James K. Polk, and John Tyler. All excepting John Quincy Adams served in the House prior to assuming the Presidency.

As amended the resolution would direct the Architect of the Capitol to place the markers in accordance with a design approved by the Committee on House Administration. A small, dignified marker is envisioned, possibly a bronze composition. Until such time as the size, composition, and design of the markers are determined, precise costs cannot be ascertained. However, it is the committee's understanding and interest that these costs will be nominal.

There is at present an unidentified marker in the hall at the location once occupied by John Quincy Adams. Nonetheless, the committee is of the opinion that inasmuch as Statuary Hall is a significant place of Congress tradition and tourist interest, it would be most appropriate to place therein suitable markers clearly identifying the sites previously occupied by these distinguished former Members of Congress.

In my view, House Resolution 605 will greatly enrich the Capitol itself and the millions of Americans who visit it, I urge approval of the resolution.

Mr. STUDDS. Mr. Speaker, I rise in support of House Resolution 605 which is designed to properly commemorate the desk locations in Statuary Hall of those nine Members of the House who also served as President of the United States.

I cosponsored this resolution with my distinguished colleague from Illinois and am particularly pleased to again add my full support to this measure because one of the men to be honored represented part of the district I now have the honor to represent in Congress.

President John Quincy Adams, when a Member of the House, represented part of the district I now represent. As the gentleman from Michigan pointed out, he is the only Member to be honored by this resolution who served in this House subsequent to his Presidency.

At this time, 10 years after the tragedy in Dallas, many of us from Massachusetts cannot help but reflect that President Kennedy, who was himself a serious student of American history, had he been permitted to finish his term in the White House, might have ended his career here in the people's House.

John Quincy Adams, our sixth President, has the unique distinction of having first served as President of the United States from 1824 to 1828 and then having won election to the House of Representatives for nine terms from 1831 to 1848.

Every student of history knows the achievements of John Quincy Adams' long and illustrious life. Mr. Speaker, I would like to take just a moment to inform my colleagues of a few of the little-known facts concerning his death.

Congressman Adams represented what is now Norfolk County, the northern parts of Plymouth County, and the southern part of Middlesex County in Massachusetts. On February 21, 1848, after serving 17 years in the House of Representatives, John Quincy Adams suffered a stroke as he sat at his desk in what was then the floor of Congress and is now Statuary Hall. The time was 1:15 p.m. House Speaker Winthrop of Massachusetts ordered Adams carried to the Speaker's Room where he was placed on a sofa. The House and Senate immediately adjourned out of respect.

Before lapsing into a coma, Adams spoke the words, "This is the last of earth, but I am content." He remained in the Speaker's Room, in a coma, until he died at 7:17 p.m. on Wednesday, the 23d of February, 2 days after being stricken. He was 81 years of age. The Speaker's Room (H-235) later became the congressional ladies retiring room and the sofa upon which Adams died is still located in that room today.

When the House floor was moved to its present location a plain bronze disc was placed in the floor where Adams' desk stood.

The resolution we are considering here today would replace this desk with a suitably inscribed marker and would also give recognition to the desk areas of James Buchanan, Millard Fillmore, William Henry Harrison, Andrew Johnson, Abraham Lincoln, Franklin Pierce, James Knox Polk, and John Tyler. Mr. Speaker, I urge my colleagues to vote favorably for this resolution to honor these men who served our Nation so well.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution now under consideration.

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

There was no objection.

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, the congressional district I represent includes Springfield, Ill., Abraham Lincoln's home. This accounts, in part, for my personal interest in Lincoln's life and especially Lincoln's service as a Member of the 30th Congress.

As you know, the House then met in what is now Statuary Hall. Through a search of the records of the House of Representatives, it has been possible to locate the approximate position of Congressman Lincoln's desk.

Eight other Members of Congress who served when the House met in Statuary Hall also served the Nation as its President. Like Lincoln, each of these men achieved the highest distinction that the Nation can bestow upon one of its citizens. Like Lincoln, they received invaluable training in the governmental processes during their service in the House.

Because Statuary Hall is now a great center of tourist interest, and because of the unique accomplishment of these nine men, it seems to me highly appropriate to place a marker in the floor indicating the approximate location of each man's desk during his service as a Member of Congress. The Capitol and Statuary Hall are a living memorial to the history of the world's first free and democratic Nation. More people visit this building than any other in the country. When they leave they take with them a new inspiration and sense of history.

A marker for each of these nine men who served his country as a Congressman and as President would add greatly to the historical significance of this building. It is for this reason that I introduced H. Res. 605, together with eight of my colleagues who represent districts which the other "Congressmen-Presidents" represented when they sat as Members of Congress in Statuary Hall.

To be sure, Lincoln, like the others, has several other memorials to him in the Capitol. But these are all memorials to President Lincoln, not to the Congressman. Most Americans are probably not aware that he served a term in the House. Yet Lincoln's term in the House was, in its own way, quite as exceptional as his terms in the White House.

Abraham Lincoln's single term as a Member of Congress was distinguished principally by his opposition to the Mexican War. Before his election to Congress, Lincoln refrained from publicly voicing his doubts about the justification for the armed American invasion of Mexico. His friend and a politician he greatly admired, Henry Clay, of Kentucky, had declared that the war with Mexico was not one of defense. Clay felt it was unnecessary and offensive aggression, which President Polk could not, in honesty, justify. These were Lincoln's unexpressed sentiments.

Lincoln took his seat in Congress on December 6, 1847, 17 months after his election to that body. Two days later, President Polk, in his message to Congress, restated that the war was justified because Mexico had spilled American blood on American soil.

Congressman Lincoln doubted the truth of President Polk's justification of the war. With the annexation of Texas, the boundaries between Mexico and the United States were not clearly defined. The territory between the Nueces and Rio Grande Rivers was in dispute. It was in this area, inhabited by Mexicans, that American blood was shed. Polk decided that this was American soil and ordered an invasion of Mexico to avenge the deaths of the Americans. Many persons thought that the American invasion of Mexico was both unjust and unnecessary, but in Congress, only a handful dared openly to voice their objections for fear of being labeled disloyal.

Lincoln was not an appeaser nor one who yielded to the expediency of the hour. Convinced that Polk had unconstitutionally begun the war, he determined that the war guilt should properly be placed on the shoulders of the President. Lincoln set out to make Polk admit that American blood had first been shed upon Mexican and not American soil.

On December 22, 1847, Lincoln offered the "Spot Resolutions." The resolutions posed eight questions for the President

to answer to justify the war with Mexico. They were designed to force Polk to admit that the war was one of conquest and aggression. Polk ignored them and made no comment. Again, on January 12, Lincoln made another direct attack on the administration's war policy, with little or no apparent effect upon Polk.

Although Lincoln deplored the war as unjustified and imperialistic, he voted in favor of every supply bill which came before the House.

Lincoln must have realized that, in taking this stand, he was placing his political future in jeopardy, but the unflinchingly faced this possibility. When he had campaigned for election to Congress it was generally understood that he would not be a candidate for reelection, and he was not. It is doubtful, in view of his opposition to the war, that he could have been returned to Congress, because his stand on the question was not popular with the country as a whole.

Lincoln's activities in opposition to the Mexican War have almost completely overshadowed his other actions as a Member of Congress. As often as 55 times he took the floor to support and to present resolutions and memorials. He seldom missed a roll call and he performed his committee assignments diligently.

His single term in Congress was of considerable importance, for it provided him with an insight into the workings of national government and greatly enhanced his ability later to direct the affairs of the Nation during the Civil War.

The same can be said for each of the nine men who served in Statuary Hall as a Member of Congress and in the White House as President. The marker, which House Resolution 605 authorizes for each, recognizes their service in the House and the great contribution it later made to their service to the Nation as President.

These nine U.S. Presidents represented the listed counties when they were Members of the House of Representatives sitting in what is now Statuary Hall. Their contemporary equivalents are also listed. Research was by the Library of Congress.

James Knox of Tennessee—Bedford, Lincoln, Giles, and Maury Counties. These counties are now in the Fourth District represented by JOE L. EVINS and Sixth District represented by ROBIN L. BEARD.

John Tyler of Virginia—Charles City County. It is in the First District represented by THOMAS N. DOWNING.

William Henry Harrison of Ohio—Cincinnati and Hamilton Counties. They are in the Second District represented by DONALD CLANCY.

John Quincy Adams of Massachusetts—Quincy, Norfolk, Plymouth, and part of Suffolk Counties. These are in the Ninth District represented by JOE MOAKLEY, 10th District represented by MARGARET M. HECKLER, 11th District represented by JAMES BURKE, and 12th District represented by GERRY E. STUDDS.

Millard Fillmore of New York—Buffalo and Erie counties. These are in the 38th District represented by JACK F. KEMP, 37th District represented by THADDEUS DULSKI, and 36th District represented by HENRY P. SMITH III.

Franklin Pierce of New Hampshire—Hillsboro county. It is in the Second District represented by JAMES CLEVELAND.

Abraham Lincoln of Illinois—Sangamon, Scott, Morgan, Cass, Logan, Putnam, Menard, Mason, Tazewell, Woodford, and Marshall counties. They are in the 15th District represented by LESLIE C. ARENDS, 18th District represented by ROBERT H. MICHEL, 20th District represented by PAUL FINDLEY, and 21st District represented by EDWARD R. MADIGAN.

Andrew Johnson of Tennessee—Johnson, Carter, Sullivan, Washington, Hawkins, Greene, and Coche counties. They are in the First District represented by JAMES QUILLEN.

James Buchanan of Pennsylvania—Lancaster County. It is in the 16th District represented by EDWIN ESHLEMAN.

Mr. BEARD. Mr. Speaker, I rise in support of House passage today of House Resolution 605, which provides for commemorative markers in Statuary Hall.

The resolution provides that markers be placed in Statuary Hall near the desks of former Members who later became President of the United States. I feel this simple act which recognizes that many fine men who served in this body went on to provide leadership for the Nation as President.

I am especially glad to make the claim that one of these distinguished gentlemen to be honored by such a marker was a resident of my district—James K. Polk.

Mr. Polk lived and practiced law in Columbia, Tenn. He served as chief clerk of the Tennessee State Senate from 1821–23. In 1823, he became a representative in our State House and was elected to Congress in 1825, where he served six succeeding terms. In 1838, Mr. Polk did not seek renomination having become a candidate for the Governor of his State. He was successful in this effort and he became Governor Polk in the years 1839–41.

Later, in 1844, James K. Polk was elected President of the United States and served until 1849, when he declined to be a candidate for renomination.

President Polk was our 11th President and I feel it especially noteworthy that he was the only House Member later to become President who served as Speaker of the House. Since Mr. Polk served both the 24th and 25th sessions of Congress as Speaker, I trust that recognition will be given this achievement.

Mr. Speaker, each of the individuals we commemorate here served with distinction. We should be proud of their fine records and it is fitting that as we approach the Bicentennial of this Nation, we pay our respects to our former colleagues by announcing to visitors of the U.S. Capitol their record of distinguished service within this body.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. NEDZI) that the House suspend the rules and agree to the resolution (H. Res. 605), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

U.S. CAPITOL HISTORICAL SOCIETY STUDY

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the Joint Resolution (H.J. Res. 736) to provide for a feasibility study and to accept a gift from the U.S. Capitol Historical Society.

The Clerk read as follows:

H.J. RES. 736

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a feasibility study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which, when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

(3) The project may not be implemented, beyond the report stage, except as provided in section 2 hereof.

SEC. 2. The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the majority and minority leaders of the Senate.

If the project, as presented, with or without modification, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol".

(2) Subject to section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

SEC. 3. The Architect of the Capitol, under the direction of the House and Senate officials designated in section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said section 2.

SEC. 4. Sums received under this joint resolution, when credited as an addition to the appropriation account "Capitol Buildings, Architect of the Capitol", shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or in part, to defray any expenses which he may incur for maintenance and operation.

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLATNIK. Mr. Speaker, House Joint Resolution 736, which has the strong support of the leadership on both sides of the aisle, would provide for a feasibility study to eventually lead to a sound and light production for the East Front of our Capitol.

This resolution allows the U.S. Government, through the Capitol Buildings, Architect of the Capitol account, to accept gifts from the United States Capitol Historical Society to undertake this study.

Sound and light shows have been performed with great success in many parts of the world, and in particular in Europe, to point out to citizens of a country and others the great historical background of their nation.

Certainly, this Capitol with its long and distinguished history, has one of the most prestigious records to present to the American people.

This is an imaginative and forward looking bill, and I am sure will provide a great deal of information and entertainment to the American citizens who come from all over this country to visit our Capitol.

I urge its support.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. GRAY) who will give a description of the joint resolution.

Mr. GRAY. Mr. Speaker, I want to thank our distinguished chairman (Mr. BLATNIK) for yielding and for his tremendous help on this and other important matters.

House Joint Resolution 736 provides for a feasibility study for a sound and light performance system for the East Front of our National Capitol.

The resolution would also allow the United States, through the Capitol Buildings, Architect of the Capitol account, to accept gifts from the Historical Society.

Section 2 of the resolution provides that the Architect of the Capitol review the study and submit it, along with his recommendations, to the Speaker, and majority and minority leaders of the House and Senate.

If these House and Senate officials approve of the Architect's report, the Architect can then accept a gift of such sum or sums necessary to implement the project.

Section 3 of the legislation allows the Architect, under the direction of the House and Senate leaders, to make expenditures from the fund to carry out the review of such report.

Section 4 authorizes the Architect to expend any money left over from the gifts by the Historical Society to implement the project to defray the operation expenses of the sound and light show.

Sound and light shows have been shown for many years in Europe to great advantage. The interplay of sound and light bouncing off an impressive building. First, sound and light utilizes the darkness of night to help create a series of illusions. The audience is situated in ing is a most effective way to show his the dark at some distance, at least 100 yards from the front of the buildings. As lights of different colors and different strength are played on the edifice, a narrative and music are played to the crowd. The loudspeakers are placed in such a way as to give complete stereophonic effect.

Technically, it would mean some changes to the Capitol building and grounds would be necessary to accomplish the sound and light features. Any lighting that would be installed, any necessary seating, or any required control room and electrical apparatus, would have to be installed in such a way as to be completely concealed so that the appearance of the Capitol to the tourists during the day would not be altered in any way. This requirement may involve such things as disappearing lights, perhaps on telescoping poles, bleachers that would be collapsible and disappearing, or else assembled for each performance. These and other technical features would have to be carefully considered, but the possible results nevertheless make it worthwhile to examine the proposal in detail. The performance would last between 30 to 40 minutes, three times a night. The Historical Society estimates that this show could be performed 7 to 8 months of the year.

COST TO THE UNITED STATES

Rule XIII(7) of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be included in carrying out House Joint Resolution 736, as reported, in fiscal year 1974 and each of the following 5 fiscal years.

Enactment of the legislation will not result in any cost to the United States.

Mr. Speaker, some might say, "Well, but a sound and light system, this comes at a bad time because of our energy crisis."

Mr. Speaker, to the contrary, we estimate that it will only require about 10 percent of the amount of electricity we are now using to illuminate the east front of the Capitol, so that in effect there would be a savings of energy if the feasibility study proves fruitful and the system is installed.

Mr. GROVER. Mr. Speaker, I rise in support of House Joint Resolution 736. This resolution provides for a feasibility study for a sound and light performance system for the east front of our National Capitol. Additionally, House Joint Resolution 736 allows the Architect of the Capitol to accept a gift from the National Capitol Historical Society of sums to construct the fixtures necessary for this show.

The U.S. Capitol has had a long and varied history. Much has taken place under this dome to shape the destiny of the country. The Historical Society, headed by a distinguished former colleague and member of the Public Works Committee, Fred Schwengel, envisions a sound and light show to portray this history to visitors of the Capitol. This show would be a major attraction during the Nation's bicentennial celebration.

This show is a mood-creating art form for enjoyment and appreciation of national history. Many European cities use similar shows with great success. History can be told with music and narration, with lights projected onto the audience to heighten the effect. The story of our Capitol could be capsulized by sound and light.

Some changes to the building and grounds may be necessary to complete the technical requirements for the production. But, the decor of the Capitol will not be altered, nor will there be created a carnival atmosphere. The society contemplates using disappearing lights, hidden wiring, and collapsible bleachers to retain the decor of the Capitol.

The feasibility study shall determine ultimately the details of the project, including any electrical energy impact. Since the Capitol lights will be out during the performance, it is currently estimated that more than 50 percent of the entire normal energy load of the entire Capitol will be saved for the duration of the performance. House and Senate leaders shall have final approval of the report submitted by the Architect, once he reviews the feasibility study. There are strong safeguards for maintaining the integrity of the Capitol and insuring no adverse impact on energy.

This resolution provides for no authorization of Federal funds, either for the study, or for its implementation, once the study is approved. It is desirable to have this project studied with independent sources of funds, so that the history as portrayed in the show will not be suspect of pressures to make our past leaders demagogs, heroes, or otherwise, when, in fact, they were not. Additionally, the society plans that sufficient funds can be raised to pay for operating expenses without charging admission to the show.

This resolution deserves our support. I urge its passage.

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

Mr. GROSS. Mr. Speaker, I would like to have the attention of the gentleman from Illinois and ask him what is to prevent the Historical Society from going right ahead with a feasibility study without this legislation?

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

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

Mr. GRAY. Mr. Speaker, I am glad the gentleman from Iowa raised that question because it is very pertinent. The answer is because the Architect of the Capitol, and the leadership of Congress would have to rule on the type of facility to be installed.

We do not want to interfere with the beauty or historical significance of the front of the Capitol, and the Historical Society on its own would not have the authority needed. If the gentleman will notice, after study has been completed under the joint resolution, then the House and Senate leaders and the Architect could authorize the implementation. We would authorize the study and also give the authority to the leaders on both

sides of Congress to go ahead and install the system if found feasible.

Without this resolution, they would not be able to do that.

In direct answer to the question raised by the gentleman from Iowa, we feel that in making a study, it should be in coordination with the Architect. For example, the question of floodlights will come up. We have envisioned the possibility of those being depressed into the ground and being on some type of a hydraulic system by which during the daytime they could be concealed.

Mr. GROSS. Mr. Speaker, is the gentleman saying that the Architect of the Capitol would not cooperate with the Historical Society in a feasibility study without this legislation?

Mr. GRAY. I would like to say to my distinguished friend, the gentleman from Iowa, that we have already passed that juncture. The Architect and the Society have already made a trip to Europe and looked at comparable systems and have recommended that the system be installed.

However, we feel that we should not rely solely upon those experts looking at the systems in Europe; we want an official U.S. Government survey of the potential damage, if any that might be done to the esthetics of the Capitol.

For that reason, we wanted to put the stamp of approval by the Congress on the study. I am sure that is the feeling of the sponsors of the legislation.

Again, I reiterate that the Architect has already investigated the subject and has worked with the Historical Society. He was enthusiastic when he appeared before our subcommittee. However, we felt we wanted something more than these recommendations. Our former colleague Mr. Schwengel of Iowa, the President of the Historical Society has spent much time on this matter also.

Mr. GROSS. Mr. Speaker, I will ask the gentleman this question:

What is the projected cost of the disappearing lights and all the rest of the hoopla that goes with this installation?

Mr. GRAY. We want a detailed study which will give us the precise figures. I tried to elicit the exact costs from our witnesses.

There is no cost to the taxpayers, involved in this legislation. I do wish to delineate that from the ultimate costs to the Historical Society.

Mr. GROSS. What does the gentleman mean when he says there is no cost involved in this legislation?

Mr. GRAY. There is no cost to taxpayers involved in the legislation before us.

Mr. GROSS. Does the gentleman mean there is no cost to the Federal Government?

Mr. GRAY. The gentleman is exactly correct. There is not a dime involved, either for the study or the implementation of the plan if it is approved by the Architect and congressional leaders.

We authorize by this joint resolution the Architect of the Capitol to accept gifts from the Historical Society which may be made.

Mr. GROSS. Mr. Speaker, I hope those gifts turn out better than those which were supposed to build the Kennedy Cultural Center, and a few other things that have been promoted around here that wound up costing the taxpayers throughout the country millions of dollars.

I hesitate to ask the gentleman this question, because I have asked it before and have been led down a blind alley in some instances. I say this with all respect to the gentleman from Illinois.

I believe the gentleman said a little while ago that this is not going to cost the Federal Government any money?

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

Mr. GROSS. Yes, I yield to the gentleman from Illinois.

Mr. GRAY. The gentleman is exactly correct.

Mr. GROSS. Will that assurance turn out better than some of the others that have been made?

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

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

Mr. GRAY. Mr. Speaker, I certainly have no basis of understanding as to what the gentleman is alluding to.

However, I will tell the gentleman from Iowa that the gentleman who is speaking does not intend to bring in an authorization bill from the Committee on Public Works that would authorize funds for a light and sound system here at the Capitol. Although I strongly support this proposal and commend the leadership in Congress, the architect, the historical society, and my colleagues, for their interest in this great project.

Mr. GROSS. Mr. Speaker, I merely wish to say to the gentleman that I have heard all of these answers before. I have been around here a few days and a few months and I have some recollection of what has gone on in the past.

We have had assurance after assurance that something like this would get only official sanctions. So now what are we going to have, an import from another foreign country, as far as this project is concerned?

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

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

Mr. GRAY. Mr. Speaker, let me salute my friend, the gentleman from Iowa, for raising that question.

I assure him and all our other colleagues that by voting for House Joint Resolution 736, by which it is to propose to suspend the rules, we will not now or at any time in the future ask for the expenditure of one cent of Federal money.

Mr. GROSS. Mr. Speaker, I hope that all of the youngsters among the Members, who are going to be around here awhile, will write that down in their book and see how it turns out.

Mr. GRAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

I wish to say that the gentleman from Texas is one of the sponsors of this legislation and was a very articulate witness before the committee. I wish to salute the gentleman for his interest in our great Nation's Capitol.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for giving me this time.

I wish to commend the leadership on both sides of the aisle for sponsoring this legislation. It does not cost the taxpayers any money; it is not an expensive project. We are only talking in terms of $2 million to $4 million plus or minus. We think a feasibility study is needed and if it is practical and the Architect of the Capitol recommends it to the leadership of the House and the Senate, we may proceed. We hope that we may get the project ready for our centennial in 1976. It could be one of the most exciting celebrations we have during that year.

As I said, this sound and light study is at no expense to the taxpayers and will have the official voice of the Congress, because it will be on the east front. That is why we took this course.

I wish to pay my compliments to the leadership of the Committee on Public Works.

Mr. Speaker, I am very pleased that the sound and light bill, House Joint Resolution 736, is before us today.

As a cosponsor of this bill, I state with all sincerity that this piece of legislation will be one that I am extremely proud of.

The bill involves no expenditures from the public Treasury. It sets up a system whereby the U.S. Capitol Historical Society can accept contributions from private sources to perform a feasibility study for a sound and light show on the east front of the Capitol. The bill provides for full control by the Congress and by the Architect of the Capitol over any plans for the implementation of the program.

Anyone who has ever seen a sound and light show in Europe can vouch for the validity of the committee's report at the top of page 2. The committee states, and I read from the report:

> Sound and light shows have been shown for many years in Europe to great advantage. The interplay of sound and light bouncing off an impressive building is a most effective way to show history.

What better place to show history of our land than here on the Capitol grounds?

I salute the Public Works Committee, and its distinguished chairman (Mr. BLATNIK) for presenting this legislation without delay to the full House. The members of the Subcommittee on Public Buildings and Grounds are also to be saluted, and a special tip of the hat goes to Mr. GRAY, the able chairman of the subcommittee, for his strong support of this legislation. Our former colleague, Hon. Fred Schwengel, who serves as president of the U.S. Capitol Historical Society, has given untold dedication to this society. He has been our inspiration and our leader. He gives total commitment to the preservation of our national heritage. It was his spirit and guidance that enables us to consider sound and light today. We all owe Fred Schwengel our special thanks. I serve as a member of the Executive Committee of the U.S. Capitol Historical Society and have for

over 5 years. It is a particular source of pride to work with this dedicated group.

Mr. Speaker, when the sound and light show is an established fact, I feel that the Members of this Congress will be proud of their work in laying the groundwork for a sound and light show on the east front.

I urge strong support for the passage of this resolution, Mr. Speaker.

Mr. Speaker, as a member of the executive committee I should also like to name others who are selfless members of the executive committee and invaluable to the U.S. Capitol Historical Society. They are:

Dr. Melvin Payne, president of the National Geographic Society; Mr. Victor M. Birely, investment broker; Mrs. Adlai Stevenson III, wife of the distinguished Senator of Illinois; Dr. Walter Rundell, chairman, Department of History, University of Maryland; the Honorable Fred Schwengel, the president of the society; Mr. Arthur B. Hanson, an able attorney and counsel for the society.

Mr. Speaker, also, I should like to call attention to another group of distinguished Americans who are serving as a board of consultants for the proposed bound and light project under discussion. They are:

Fred Schwengel, president of U.S. Capitol Historical Society; the Honorable George M. White, Architect of the Capitol; Dr. Letitia Brown, historian at George Washington University; Mr. Paul Perrot of the Smithsonian Institution; Mr. Russell E. Dickenson, Regional Director, National Capital Parks, Interior Department; Mr. John J. Stokes, contractor and electrical engineer of San Marcos, Tex.; and Mr. William Maury, Chief Historian of the U.S. Capitol Historical Society.

Mr. REUSS. Mr. Speaker, House Joint Resolution 736 will get us off to a flying start in the preparation of a Son et Lumiere—sound and light—spectacle on the east front of the Capitol. I hope this show will be ready for our 1976 Bicentennial.

The U.S. Capitol Historical Society—under the able leadership of the Honorable Fred Schwengel, its president, our former colleague, and my good friend—has reviewed the proposal, and is prepared to initiate a full-scale feasibility study.

House Joint Resolution 736 authorizes the society to initiate the study; and, if the project is approved by the House and Senate leadership, it authorizes the Architect of the Capitol to accept, on behalf of the United States, the funds needed to implement the project. The full costs of the study, equipment, installation, operations, and maintenance will be contributed by the U.S. Capitol Historical Society.

Son et Lumiere is a new art medium that has been successful at many of the world's most revered historical monuments, including Versailles, the Cathedral of Notre Dame, the Roman Forum, the Acropolis, the Tower of London, and Independence Hall in Philadelphia.

It presents a tremendously impressive show simply and at low cost. Unlike traditional historical pageants, no actors and few technicians are needed. The narrative, music, and sound effects as well as all lighting cues are prerecorded on multitrack tape, and one person can operate the control mechanism. During a show, sound can be heard from different parts of the building, and lights go on and off and dim automatically.

I proposed the Capitol Son et Lumiere in 1966, noting that the Capitol is the best-loved, most historic, and most visited building in America. The east front will be an excellent setting.

Visitors from all over the world will see and hear the re-creation of dramatic events from our past, such as the eloquence and rising passion of the Clay-Calhoun-Webster debates of the 1850's; Lincoln's first inaugural address; the conversion of the Capitol into a barracks, hospital, and storehouse during the Civil War; and FDR's December 7, 1941, message to Congress.

Mr. Speaker, House Joint Resolution 736 has my full and enthusiastic support.

The SPEAKER. The question is on the motion of the gentleman from Illinois (Mr. GRAY) that the House suspend the rules and pass the joint resolution (H.J. Res. 736).

The question was taken and (two-thirds having voted in favor thereof) the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1776) to amend the Federal Water Pollution Control Act, as amended.

The Clerk read as follows:

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act (86 Stat. 816; 33 U.S.C. 1251 et seq.) is amended—

(1) in section 104(u)(2), by striking out "fiscal year 1973" and inserting in lieu thereof "fiscal years 1973 and 1974";

(2) in section 206(e), by striking out "$2,000,000,000" and inserting in lieu thereof "$2,600,000,000";

(3) in section 207, by inserting "206(e)," after "sections";

(4) in section 311—

(A) by striking out "(b)(2)" wherever it appears in paragraphs (1), (2), and (3), of subsection (f), and inserting in lieu thereof "(b)(3)";

(B) by striking out "Secretary" in the last sentence of paragraph (2) of subsection (f), and inserting in lieu thereof "Administrator"; and

(C) by striking out "(b)(2)" wherever it appears in subsections (g) and (l), and inserting in lieu thereof "(b)(3)";

(5) in section 315, by redesignating subsection (g) as subsection (h), and by adding a new subsection (g) to read as follows:

"(g) In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Commission shall have authority to enter into contracts with private or public organization who shall furnish the Commission with such administrative and technical personnel as may be necessary to carry out the purpose of this section. Personnel furnished by such organizations under this subsection are not, and shall not be considered to be, Federal employees for any purposes, but in the performance of their duties shall be guided by the standards which apply to employees of the legislative branches under rules 41 and 43 of the Senate and House of Representatives, respectively."; and

(6) in section 509(b)(1)(C), by striking out "treatment" and inserting in lieu thereof "pretreatment".

SEC. 2. Notwithstanding the requirements of subsection (c) of section 206 of the Federal Water Pollution Control Act (86 Stat. 838), applications for assistance under section 206 may be filed with the Administrator of the Environmental Protection Agency until January 31, 1974.

SEC. 3. Funds available for reimbursement under Public Law 92-399 shall be allocated in accordance with subsection (d) of section 206 of the Federal Water Pollution Control Act (86 Stat. 838), pro rata among all projects eligible under subsection (a) of such section 206 for which applications have been submitted and approved by the Administrator pursuant to such Act. Notwithstanding the provisions of subsection (d) of such section 206, (1) the Administrator is authorized to make interim payments to each such project for which an application has been approved on the basis of estimates of maximum pro rata entitlement of all applicants under section 206(a) and (2) for the purpose of determining allocation of sums available under Public Law 92-399, the unpaid balance of reimbursement due such projects shall be computed as of January 31, 1974. Upon completion by the Administrator of his audit and approval of all projects for which an application has been filed under subsection (a) of such section 206, the Administrator shall, within the limits of appropriated funds, allocate to each such qualified project the amount remaining, if any, of its total entitlement. Amounts allocated to projects which are later determined to be in excess of entitlement shall be available for reallocation, until expended, to other qualified projects under subsection (a) of such section 206. In no event, however, shall any payments exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

The SPEAKER. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLATNIK. Mr. Speaker, I rise in support of S. 1776, as amended. I commend the distinguished chairman of our Water Resources Subcommittee, the gentleman from Texas (Mr. ROBERTS)

for the outstanding job he has done in bringing this bill to the floor. I wish also to extend my appreciation to the ranking minority member of the full committee, the gentleman from Ohio (Mr. HARSHA), and to the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. DON H. CLAUSEN), for their very able assistance and cooperation on this bill.

This is an important and needed bill. When Congress passed the Federal Water Pollution Control Act Amendments in 1972, it authorized reimbursement to those States and communities which had continued their treatment plant construction program but did not receive the full amount of Federal financial assistance to which they were entitled. The amount of the authorization, which was based on the best estimate then available of $2 billion, has turned out to be too low. This legislation increases it by $600 million, so that all eligible applicants will be able to get the reimbursement they are entitled to. The deadline for filing reimbursement applications is also extended from October 18 of this year to January 31 of 1974. This will give the States and communities sufficient time to get their applications to the Environmental Protection Agency.

I also wish to point out the value of the treatment plant operator training program which the legislation extends for another year. We must have qualified operators if these plants are to operate effectively to clean up our waters.

I now yield to the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. I thank our distinguished chairman for yielding.

Mr. Speaker, on behalf of the Committee on Public Works I am pleased to bring to the floor for consideration S. 1776, as reported, amending the Federal Water Pollution Control Act.

S. 1776, as amended, combines the provisions of S. 1776 and Senate Joint Resolution 158 as they passed the Senate, and adds a clarifying legislative proposal requested by the National Commission on Water Quality, established by the Federal Water Pollution Control Act.

Section 1 of the bill authorizes a 1-year extension of the pilot operator training program for wastewater treatment plants, set up under section 104(g)(1) of the Federal Water Pollution Control Act. The program, initiated in 1970, was included in the Federal Water Pollution Control Act Amendments of 1972—Public Law 92-500. Unlike all other research, development, or training programs authorized by that act, which continue at least through fiscal year 1974, section 104(g)(1) was authorized only through fiscal year 1973. The purpose of this legislation is to authorize the program at the same level of funding through fiscal year 1974.

This section also amends section 206 (e) of the Federal Water Pollution Control Act by increasing from $2 billion to $2,600 million the authorization for reimbursement of up to 55 percent of project costs for eligible sewage treatment plants on which construction was initiated between June 30, 1966, and July 1, 1972.

Section 206 provides that such publicly owned treatment works will be reimbursed for the difference between the amount they did receive as Federal financial support and 50 percent of total cost, provided the project was approved by the appropriate State water pollution control agency and met the requirements of the Water Pollution Control Act in effect at the time the project was initiated. If the project was, in addition, constructed in conformity with a comprehensive metropolitan treatment plan, it would receive an additional 5 percent of total cost.

When the Federal Water Pollution Control Act amendments were passed in 1972, the best estimate was that approximately $2 billion was needed to carry out the reimbursement provisions of section 206(a). Since that time the estimate has been refined, and is now $2,600 million. The increase in the authorization will permit full implementation of section 206(a) and assure that all eligible applicants will in time receive the full amount of reimbursement to which they are entitled.

Section 2 of the legislation extends the deadline for filing reimbursement applications from October 18, 1973, to January 31, 1974. This extension is needed to give States and communities adequate time to prepare and file applications after the promulgation of the Environmental Protection Agency's guidelines which just came out this September.

Section 3 authorizes the Administrator of the Environmental Protection Agency to make interim payments to projects for which an application has been approved on the basis of estimates of maximum pro rata entitlement of all applicants under subsections 206 (a) and (d).

The large number of applications for reimbursement will require extensive processing by the Environmental Protection Agency before full payment on each can be made. This section authorizing interim reimbursement of funds to projects which can be easily approved on the basis of available documentation pending final processing of all projects will prevent undue disruption in community plans and also facilitate an orderly cash flow by the U.S. Government.

I am, as always, deeply appreciative of the splendid leadership of the chairman of this committee, the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), and the cooperation given by the ranking minority member of the committee, the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1776 as reported by the Committee on Public Works. This bill addresses certain immediate needs of the water pollution control program and I urge its support.

I compliment the distinguished chairman of the Water Resources Subcommittee of the Committee on Public Works, my good friend RAY ROBERTS, of Texas, for his leadership in bringing this bill to the floor today as well as for his cogent explanation of the provisions of S. 1776.

Mr. ROBERTS has explained the details of S. 1776, and I shall not be repetitive. There are, however, two provisions in this bill which I believe should be expanded upon. As you remember, last year in the development of the 1972 amendments to the Federal Water Pollution Control Act, the Congress developed legislation providing for reimbursement to those projects on which construction was initiated between June 30, 1966, and July 1, 1972. Reimbursement payments would be the difference between the amount projects did receive as Federal financial support and either 50 or 55 percent of total cost depending upon whether or not the treatment works was constructed in conformity with an applicable, comprehensive, metropolitan treatment plan.

At the time we developed the reimbursement provision in the 1972 amendments, the Environmental Protection Agency had provided an estimate that the provisions for reimbursement in then existing committee drafts would require appropriations of over $1.9 billion. We, therefore, provided an authorization for the appropriation of $2 billion for reimbursements for the 1966–72 period. Subsequent tabulations of outstanding reimbursables indicated that the reimbursement provisions in the conference report would require an appropriation of approximately $2.6 billion. Because the total dollar needs were underestimated, the authorization would only provide 77 percent of the required funds. The additional $600 million authorized by S. 1776 would allow full payment of outstanding reimbursables.

Furthermore, the Environmental Protection Agency promulgated regulations for the payments of reimbursables which were clearly not consistent with the law. These regulations would have penalized certain of our States. When we realized the implications, the committee took immediate steps to rectify the problem. After a number of conferences between representatives of the Environmental Protection Agency and committee members and staffs in both bodies of the Congress, the Environmental Protection Agency rescinded the unlawful regulations and promulgated new regulations consistent with the law which provide for pro rata distribution of the limited available funds. Now, with S. 1776 and after necessary appropriations by the Congress and budgeting by the Executive, repayment of all outstanding reimbursable could be made at 100 percent.

I would like to call to your attention the provisions in section 3 which authorized interim reimbursement of funds to projects which can be easily approved on the basis of available documentation, pending final processing of all projects. This provision will allow the Administrator to immediately begin

making payments at a level approaching 77 percent of the Federal share of the cost of all projects for which there is adequate documentation.

An amendment to section 2 incorporated by the Public Works Committee would extend the final date for submittal of applications for reimbursement to January 31, 1974. In so doing, we know that there might be a tendency for the Environmental Protection Agency to utilize the provision in section 3 for interim payments. We expect him immediately to start making such interim payments. These moneys are needed by the States to carry out the non-Federal portion of water pollution control construction, and we consider it to be a most important provision in our bill.

I would like to ask the gentleman from Texas (Mr. ROBERTS) if he concurs in the view I have expressed. I yield to him for this question.

Mr. ROBERTS. Mr. Speaker, I appreciate the gentleman's yielding.

I certainly concur in his statement. It is the only way I know of that some of these smaller cities and States can operate, or get the money to operate, to do the job required by the Federal Water Pollution Control Act.

Mr. DON H. CLAUSEN. I thank the gentleman for his comments. It is important for all to understand that we expect prompt implementation of section 3.

In closing, let me say that I appreciate the cooperation I received from my colleagues on the Committee on Public Works, from our staff and from Environmental Protection Agency personnel. I urge you to vote for S. 1776.

Mr. STEIGER of Wisconsin, Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I find myself in a difficult position because I represent one of those areas of the country containing a major sewage treatment project for which the original EPA reimbursement formula was favorable.

Unfortunately, the bill before use today includes two bads along with one good, but I think the good outweighs the bads. I am pleased that an effort is being made to provide sufficient funds to reimburse all eligible projects and that a clause is included to allow the interim payments needed to avoid further delays.

My concern here is that we have no assurance that the administration will be willing to provide the additional funds this bill authorizes. Would the gentleman from Texas, the able chairman of the subcommittee (Mr. ROBERTS) give us any idea as to where the $2.6 billion authorized stands with respect to the possibilities for appropriation and actual expenditure?

Mr. ROBERTS. In response to the gentleman's comments, it might be well to review the background of the reimbursement provisions of S. 1776.

In developing the Federal Water Pollution Control Act Amendments of 1972, consideration was given to those communities which constructed sewage treatment facilities for which they received no Federal assistance or assistance at a level substantially lower than that contemplated in the 1972 act. It was the belief of the Congress that fairness dictated that those communities which invested their own funds should not be penalized because of the failure of the Federal Government to make available its promised share. Section 206 of the Federal Water Pollution Control Act of 1972 provided for the reimbursement of up to 55 percent of the project cost for all publicly owned sewage treatment works on which construction was initiated between June 30, 1966, and July 1, 1972. Subsection (d) of section 206 provides that in any year in which available appropriated funds are not equal to the total amount of reimbursement due on such projects, each qualified project—and I stress qualified project—shall be allocated its proportional share of available funds. No distinction was drawn between the types of projects which were qualified. Public Law 92–399 appropriated $1.9 billion for such reimbursements in fiscal year 1973.

EPA published proposed regulations on June 26, 1973, which had the effect of establishing classes and allocating all the appropriated funds into only one class of qualified project, creating a priority scheme for the distribution of these funds which was totally inconsistent with Public Law 92–500.

This allocation would result in 24 States failing to receive any reimbursement funds and 19 other States receiving substantially less than the equitable distribution which was intended by that act.

EPA has rescinded these regulations on the basis of a review of the law and has proposed new regulations doing away with these classes. The committee is satisfied that the new regulations are in conformity with section 206 of the Federal Water Pollution Control Act.

As I have previously pointed out, the purpose of S. 1776 is merely to provide sufficient authorizations to carry out the purpose of the section and to provide a means of making interim payments.

Mr. STEIGER of Wisconsin. I must say that I remain concerned over the future availability of the funds authorized in this bill. Unfortunately, because the EPA has already made the change in its regulations this legislation offers the only real chance for full reimbursement, and I suspect that I have no choice but to vote for the bill.

Another part of the bill that worries me is the extension of the deadline. I wonder if the gentleman from Texas will indicate whether or not it is their considered judgment that the deadline extension into January will unduly slow down EPA's handling of applications.

Mr. ROBERTS. No; it will not, because, as the gentleman realizes, we do have the interim payment provision, and those ready can be paid immediately. This is the reason we put it in there. We hope we are speeding it up. As I said before, some of them, particularly the middlesized cities, are in dire circumstances. We hope this really is going to take care of it.

Mr. STEIGER of Wisconsin. I hope that it will.

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

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

Mr. DON H. CLAUSEN. I thank the gentleman for yielding.

That is precisely the reason we put the interim language in our legislation here today, hopefully to send the signal downtown that we here on the committee and in the Congress expect them to follow it.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments.

Mr. Speaker, I feel that it might prove instructive to examine the impact on one sewage treatment project in my district.

The Neenah-Menasha Sewerage Commission has been assured for years that full reimbursement will be provided to cover the costs of a wastewater treatment plant expansion. Now, unless the funds authorized in this bill are actually made available, a large portion of the promised reimbursement will be withdrawn.

I think that the plight of Neenah-Menasha and, no doubt, that of many other communities across the country, can best be understood by reading a letter addressed to me by the sewerage commission's manager. This letter, along with the related comments I have already directed to the distinguished chairman of the Public Works Committee, Mr. BLATNIK, follow:

NEENAH-MENASHA SEWERAGE COMMISSION,
Menasha, Wis., October 15, 1973.

Representative WILLIAM STEIGER,
Longworth Office Building,
Washington, D.C.

DEAR REPRESENTATIVE STEIGER: I have just been advised of a proposed joint Senate-House resolution declaring recently adopted Environmental Protection Agency reimbursement regulations void and ordering preparations of new regulations. As I understand, Senator Jennings Randolph (D–W. Va.) and 38 Co-sponsors are advocating adoption of this resolution, which will seriously cripple the past four years of work by the Neenah-Menasha Sewerage Commission to get an expansion project of our wastewater treatment plant underway.

The guidelines under attack relate to the PL86–440 and PL92–399 reimbursement provisions and particularly the priority system for disbursement of the appropriated $1.9 billion. Officials of the Cities of Neenah and Menasha, and the Neenah-Menasha Sewerage Commission have been assured for years that we would receive federal grants of 55% on our project, and we have proceeded with bonding, industrial contract negotiations, and project planning on that basis. The recently adopted EPA regulations assured us of getting that 55% since our project and those of the Cities of Green Bay and Manitowoc were placed in priority A, which is the highest priority.

Suggested revisions in Senator Randolph's proposal will result in a substantially reduced reimbursement to Wisconsin cities, qualifying under PL92–399 and 84–660 and in the case of Neenah-Menasha could result in approximately $3 million reduction in federal reimbursements. This is based on the proposal to proportion the appropriated

funds by using a formula which would multiply the 55% federal grant by a fraction, the numerator of which is the appropriated funds ($1.9 billion) and the denominator of which is the total applications ($2.4). If our project bids total close to our estimated cost of $27 million, then, our local share to be bonded for and paid directly by our local citizens will increase from $5.4 million to $8.4 million.

Your strongest efforts to defeat the proposed resolution are appreciated.

Sincerely,

NEENAH-MENASHA SEWERAGE COMMISSION,
ROBERT W. BUES, P.E., *Manager*.

P.S.—An alternative solution might be to increase appropriations to equal the applications.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 13, 1973.

Hon. JOHN A. BLATNIK,
Chairman, Committee on Public Works, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I was disappointed to learn that the pending resolutions to establish a formula for distributing reimbursement grants for sewage treatment facilities construction will be considered without the benefit of hearings.

Nevertheless, I thank you for the opportunity to submit my views. I am enclosing a copy of a letter I received from Robert Bues, Manager of the Neenah-Menasha Sewerage Commission. He gives a clear explanation of the plight of those municipal systems which will suffer from the revised distribution formula.

Two points deserve special attention. First, the letter conveys the sense of betrayal felt by city officials who had been assured for years that their early approval for reimbursement meant a priority position for available funds. Because they believed these assurances, cities across the nation will now be forced to absorb unexpected costs often as large as several million dollars.

Second, the postscript offers the alternative solution of increased appropriations to allow full reimbursement to all applicants. The authorization included within the pending resolutions takes the first step in this direction. Although I find some encouragement in this aspect of the proposal, it will be rendered meaningless unless those who vote to approve this legislation keep the need for these funds in mind when the time comes to make the actual appropriation.

Again, thank you for giving me the opportunity to bring these comments to the attention of the Subcommittee.

With kind regards,

Sincerely yours,

WILLIAM A. STEIGER,
Member of Congress.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of S. 1776, the Federal water pollution control amendment.

As a sponsor of identical legislation, I heartily congratulate Chairman BLATNIK of the House Public Works Committee, Chairman RANDOLPH of the Senate committee, their respective committee members, and the numerous cosponsors of this legislation for their tireless efforts toward enacting this important measure. I commend the membership of both committees, additionally, for their earlier success in persuading the Environmental Protection Agency to revise their regulations governing the allocation of grants to the States under section 206 of the Federal Water Pollution Control Act. That regulation would have totally deprived 24 States of any Federal funds under section 206. Fourteen other States would have received substantially less than their entitlement. These States owe their current allocation to the efforts of these able committees.

The job, however, has not been completed, and it is for this reason we must act on this bill today. Under the existing law, the States will receive only 80 percent or less of the Federal share promised them by Congress. Last year, relying on EPA studies, we underestimated the amount needed to fund reimbursement grants under section 206. We authorized $2 million to cover the promised Federal share of 50 percent of the cost of water treatment facilities constructed by the States between mid-1966 and mid-1972. This authorization fell more than 20 percent short of the actual amount needed and promised to the several States, all of which answered the call to clean up the Nation's waterways and shorelines. S. 1776 will finally fulfill the Federal pledge by authorizing an additional $600 million, the amount estimated to fund fully section 206 projects.

Further, the bill will permit State water pollution control administrators to submit applications for funds until January 31, 1974. The previous deadline of October 15 was unrealistic given the confusion created by the amorphous EPA regulations that governed application requirements and grant allocations. S. 1776 will make available the additional time State administrators are pleading for all over the country.

The third essential element of the bill will authorize the Director of EPA to make interim grants to those States which will have qualified particular projects before the new deadline.

Mr. Speaker, there is no valid argument that can be raised against this bill. There are two simple objectives sought by this bill. One is to fulfill a solemn Federal pledge made to the States to match State dollars spent to combat water pollution. The other is to reassert Congress commitment to the Nation that we will do our part, if not lead the way, to restoring the purity of our waterways and shorelines for the health and enjoyment of this generation of Americans and all future ones.

Mr. Speaker, I urge approval of this vital legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the Senate bill S. 1776, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill as amended was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed. (S. 1776).

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had receeded from its amendments to a bill of the House of the following title:

H.R. 11104. An act 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.

Thus clearing the bill for the President's signature.

EMERGENCY NATIONAL MAXIMUM HIGHWAY SPEED LIMIT ACT

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11372) to conserve energy on the National System of Interstate and Defense Highways, as amended.

The Clerk read as follows:

H.R. 11372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Emergency National Maximum Highway Speed Limit Act".

SEC. 2. The purpose of this Act is to conserve fuel during periods of current and imminent fuel shortages through the establishment of a national maximum highway speed limit.

SEC. 3. After the sixtieth day after the date of enactment of this Act, the Secretary of Transportation shall not approve any project under section 106 of title 23 of the United States Code in any State which has (1) a maximum speed limit on any public highway within its jurisdiction in excess of 55 miles per hour, and (2) a speed limit other than 55 miles per hour on any portion of any public highway within its jurisdiction which had a speed limit of 55 miles, or more, per hour on November 1, 1973, and (3) maximum speed limits which are not uniformly applicable to all types of motor vehicles using a highway, except that a different speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon. Clauses (2) and (3) of this section shall not apply to any portion of a highway during such time that the condition of the highway, weather, an accident, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway.

SEC. 4. (a) For the purposes of the Act the terms "highway" and "State" shall have the same meanings as in section 101 of title 23, United States Code.

(b) As used in this Act, the term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.

SEC. 5. This Act shall cease to be in effect (1) on and after the date on which the President declares that there is not a fuel shortage requiring the application of this Act, or (2) on and after June 30, 1975, whichever date first occurs.

The SPEAKER. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Minnesota (Mr. BLATNIK) will be recognized for 20 minutes and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, I rise in support of this legislation and ask all of the Members of this body to join in moving quickly for its passage. It is time we stopped talking about the energy problem and started doing something about it.

This bill is simple. It will cause an immediate reduction in fuel consumption and cause a minimum of disruption of our everday lives.

There are side benefits that this legislation will produce that are uncountable in fuel, but are priceless in other respects. No. 1 on the list is savings of lives. It is commonly known that fatalities occur most often at high speeds. It will be a great step forward just to see that horrible figure of 55,000 deaths per year start to decrease. It is anybody's guess how much the savings will be, but everyone agrees it will be substantial.

This bill should not wait for all the debate that will ensue with a major energy bill.

The States need the bill now so we can have uniformity across the country. I commend the States who have already taken action to reduce fuel consumption by reducing speed limits. For those States who must change what they have already done to conform to this bill, I can only say that it is to their credit to have moved so fast on their own, and I hope they welcome this chance for uniformity.

The Subcommittee on Energy has shown great foresight in moving quickly with this bill and I compliment its Chairman, JIM HOWARD of New Jersey, and ranking minority member, GENE SNYDER of Kentucky, for their excellent work.

Mr. Speaker, I yield now to the distinguished and able Chairman of the subcommittee, the gentleman from New Jersey (Mr. HOWARD) who took the initiative on this important piece of legislation.

Mr. HOWARD. Mr. Speaker, the legislation before us today concerns a subject which has been discussed over and over in recent weeks in respect to the energy shortage. It is an action which can stand free and clear of all other energy proposals because it does not involve foreign policy, the environment, nuclear energy, or anything else that have become major concerns in this current crises.

This is something that can be done now without any cost to the Federal Government and can be a major step forward in conserving fuel.

The President in an earlier speech and his energy message to the Congress urged a 50-mile per hour national speed limit. In his latest speech, he has asked for a two-tiered speed limit calling for 55 miles per hour for intercity buses and large trucks primarily, semi-trailer types, and 50 miles per hour for all other vehicles. In both instances the President said there would be a savings of about 200,000 barrels of oil per day.

This legislation calls for a uniform maximum speed for all vehicles of 55 miles per hour on those highways currently posted at 55 miles per hour and above.

The Subcommittee on Energy held hearings on this bill which produced the most comprehensive body of knowledge presently available on this subject.

The primary thrust of the bill is for the conservation of energy. It was also necessary, however, to come up with the proper speeds which would not only present an optimum of fuel savings, but at the same time preserve the economic, safety and public acceptance consideration which would make the bill most effective.

It became apparent quite early that the Governors and the public generally are in favor, primarily from a safety standpoint, of a uniform speed for all vehicles in the traffic stream rather than a "two-tiered" system of one speed for automobiles another for large trucks and buses.

Because of the two different speed proposals advanced by the President in his two speeches and his plea for immediate voluntary compliance by the public until legislation could be enacted there have been a considerable number of different actions taken by the States to effect immediate action.

As of the day of our hearing last Tuesday, nine States had responded to the 50-mile-per-hour call and set speed limits at that figure. One State had set a two-tiered system of 50 miles per hour for automobiles and 55 for trucks and buses, one had set 50 for automobiles and 60 for trucks and buses, four had set a uniform 55-mile maximum for all vehicles, some others had varied limits on different types of highways, some have done nothing, and approximately 14 States must enact legislation.

Obviously this proliferation of different limits across the country is very misleading to the public in general. Testimony before our subcommittee by the Governors Conference indicated that they wanted guidance so that there could be national uniformity.

The committee in deliberating on this issue felt that the best balanced approach is a uniform maximum limit for all vehicles on all roads.

Because a number of States need legislation to put this act into effect a 60-day leadtime has been provided to allow this legislation to be enacted.

I would like to clarify one other item with respect to speed limits below the 55 miles per hour prescribed in the bill. The language on page 3 of the report indicates that highways currently posted 55 miles per hour or less would not be affected. This means speeds less than 55 miles per hour and further it still means that the speeds will be uniform for all vehicles. There has been some confusion on this item and I would like to clarify that statement at this time.

Mr. SNYDER. Mr. Speaker, I join in the statements of the gentleman from New Jersey in support of the legislation.

Mr. Speaker, I am pleased to support H.R. 11372, as amended, and to recommend it to my colleagues in the House.

The bill before the House would establish a maximum speed limit of 55 miles per hour throughout the Nation. In addition, it would establish at 55 miles per hour the speed limit of any public highway which had a 55 miles per hour or greater speed limit as of November 1, 1973. The statement in the committee report relative to a State being permitted to set a different speed limit for a portion of highway that had a 55 miles per hour speed limit on November 1, 1973, is incorrect. Furthermore, whatever speed limit is established must apply to all types of motor vehicles using a highway, except for vehicles operating under special permits because of their weight or size.

The mandatory 55 miles per hour speed limit and the requirement for uniform application of any speed limit to all types of motor vehicles do not apply to a portion of a highway when a temporary hazard to the safety of traffic on such portion of highway is created by the condition of the highway, inclement weather, an accident, or other condition.

The need for action to reduce speed limits as a means of conserving fuel is, I believe, manifest. Our committee has been studying this question for a period of time and, indeed, the basic legislation upon which action was taken was introduced before we had the benefit of speed limit recommendations from the President.

As a result of our hearings on the bill itself, as well as the prior hearings that were held on energy use and gasoline shortages, it was clear that a national speed limit was necessary. Nevertheless, the Public Works Committee has been heavily involved in the question of highway safety and in the effort to reduce fatalities and accidents upon the Nation's highways.

The combination of the desire to conserve energy resources with the desire to save and protect human resources led the committee to believe that a speed limit arrangement that would permit a higher speed limit for heavy trucks than for passenger automobiles could very well lead to increased accidents with heavier fatalities upon the part of the passenger vehicle occupants. Therefore, the committee could not in clear conscience recommend a two-tiered speed system that would create, in its opinion, a hazard for the traffic on American highways.

We considered carefully whether to choose a speed limit of 55 miles per hour or 50 miles per hour. Frankly, it was a difficult decision for we recognized that some experts believe the overall saving in fuel might be greater at 50 miles per hour than at 55. Others, apparently, do not share that opinion. I believe the overriding reason for selecting a 55-mile-per-hour speed limit is the need to encourage the cooperation of the driving public. Energy conserving measures must, we felt, be mandatory. In order to be effective they must be reasonable. We had clear testimony that intercity buses and trucks would consume less fuel at 55 miles per hour than at 50 miles per hour.

It seemed clear that, if we legislated for a lower speed limit, voluntary compliance would be reduced and that, in the long run, we would defeat the purposes of the bill.

It became apparent to us that a uniform maximum speed limit throughout the country was a necessity. Permitting different maximum speed limits in different States or different geographical regions could only lead to confusion and, in some cases, to hardships. It seemed to us unfair to impose or permit to be imposed greater burdens on the citizens of one State than on others. Therefore, the committee provided for uniform legislation intending to provide one maximum speed limit throughout the Nation.

I believe that this bill is necessary and that in its present form it is the most effective proposal that could be promulgated by Congress at this time.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 11372, a bill to save 200,000 barrels of gasoline a day by mandating a national speed limit of 55 miles per hour.

Though the size of this saving may seem small, it represents a quantity of fuel that is desperately needed. In New England, the shortage of middle distillate fuels, which heat 74 percent of the population, is expected to reach 35 percent or more.

To keep this shortage within manageable proportions, it is necessary that stringent fuel conservation measures be imposed on the consumption of all petroleum products—and especially gasoline.

To give this law some teeth, I also want—as soon as possible—the imposition of a tough gas rationing program. I was out on Interstate Route 495 recently, and I was amazed at the number of big gas-guzzling monsters with two people in the front seat on their way to Florida for the winter.

They were not being crimped by the gas shortage. And they were not doing anything to help the situation. But they were no different from most other Americans. As long as the gas is available, it is going to be used up until the pumps are dry. Well, it is time to turn off the pleasure pump, and get down to the business of taking this energy crisis seriously.

So I urge the House to enact this bill without delay. It is a reasonable step toward energy conservation. It proposes a reasonable speed limit that will find public acceptance. With 55 today, we will have fuel tomorrow.

Mr. CLEVELAND. Mr. Speaker, as cosponsor of H.R. 11372, a bill to conserve energy by reducing speed on the Nation's highways, I rise in support of the bill and urge its passage.

The measure reflects a number of improvements resulting from the hearing and mark-up process, including a substantial amount of substitute language sponsored by Congressman HARSHA, ranking Republican on the Committee on Public Works.

The version before us would impose a maximum speed limit of 55 miles an hour on all highways in the Nation. It thus would prohibit a two-tiered system of differential speed limits for intercity buses and heavy-duty trucks—55—and passenger cars—50—as recommended by the administration. In addition, it would require a 55 m.p.h. limit on any stretches of highway on which the posted limit was 55 or higher on November 1. Enforcement would be reserved to the States, but the Secretary of Transportation would have authority to withhold highway funds from those failing to comply.

I feel this measure is justified on two grounds. It will save energy and it will save lives. Admittedly, the data on fuel economy performance related to the speed of various categories is not as definitive as we would like. But the question is not whether savings will be realized, but how much. Amendments can be enacted later, if necessary, in light of actual operating experience. Thus it merits enactment as an energy conservation measure.

Also meriting consideration is the potential savings in lives resulting from lower driving speeds. According to the American Association of State Highway and Transportation Officials' testimony, a definite decrease in fatalities is reasonable to expect. Their testimony cited estimates by the National Safety Council that the likelihood of being killed in a traffic accident doubles with each increase of 10 miles an hour over 50. Incidentally, the AASHTO witness before our Energy Subcommittee was Robert H. Whitaker, the very capable New Hampshire Commissioner of Public Works and Highways, who has since ordered a 55 mile per hour limit on the State's interstate system.

The selection of 55 rather than 50 as a uniform speed recognized the need for somewhat higher operating speeds of trucks and buses, and the need for uniformity. AASHTO and other witnesses strongly urged uniformity in the interests of safety, arguing that a two-tiered system would create hazards offsetting any gains otherwise achieved by lower speeds. Another aspect is compliance by the public, and the degree to which the experience of being passed by trucks and buses would be a deterrent to passenger car drivers' acceptance of the lower speeds for themselves.

Mr. HARSHA. Mr. Speaker, I am pleased to support H.R. 11372, as amended, and to recommend it to my colleagues in the House.

The bill before the House would establish a maximum speed limit of 55 miles per hour throughout the Nation. In addition, it would establish at 55 miles per hour the speed limit of any public highway which had a 55 miles per hour or greater speed limit as of November 1, 1973. The statement in the committee report relative to a State being permitted to set a different speed limit for a portion of highway that had a 55 miles per hour limit on November 1, 1973, is incorrect. Furthermore, whatever speed limit is established must apply to all types of motor vehicles using a highway, expect for vehicles operating under special permit because of their weight or size.

The mandatory 55 miles per hour speed limit and the requirement for uniform application of any speed limit to all types of motor vehicles do not apply to a portion of a highway when a temporary hazard to the safety of traffic on such portion of highway is created by the condition of the highway, inclement weather, an accident, or other condition.

The need for action to reduce speed limits as a means of conserving fuel is, I believe, manifest. Our committee has been studying this question for a period of time and, indeed, the basic legislation upon which action was taken was introduced before we had the benefit of speed limit recommendations from the President.

As a result of our hearings on the bill itself, as well as the prior hearings that were held on energy use and gasoline shortages, it was clear that a national speed limit was necessary. Nevertheless, the Public Works Committee has been heavily involved in the question of highway safety and in the effort to reduce fatalities and accidents upon the Nation's highways.

The combination of the desire to conserve energy resources with the desire to save and protect human resources led the committee to believe that a speed limit arrangement that would permit a higher speed limit for heavy trucks than for passenger automobiles could very well lead to increased accidents with heavier fatalities upon the part of the passenger vehicle occupants. Therefore, the committee could not in clear conscience recommend a two-tiered speed system that would create, in its opinion, a hazard for the traffic on American highways.

We considered carefully whether to choose a speed limit of 55 miles per hour or 50 miles per hour. Frankly, it was a difficult decision for we recognized that some experts believe the overall saving in fuel might be greater at 50 miles per hour than at 55. Others, apparently, do not share that opinion. I believe the overriding reason for selecting a 55-mile-per-hour speed limit is the need to encourage the cooperation of the driving public. Energy conserving measures must, we felt, be mandatory. In order to be effective they must be reasonable. We had clear testimony that intercity buses and trucks would consume less fuel at 55 miles per hour than at 50 miles per hour. It seemed clear that, if we legislated for a lower speed limit, voluntary compliance would be reduced and that, in the long run, we would defeat the purposes of the bill.

It became apparent to us that a uniform maximum speed limit throughout the country was a necessity. Permitting different maximum speed limits in different States or different geographical regions could only lead to confusion and, in some cases, to hardships. It seemed to us unfair to impose or permit to be imposed greater burdens on the citizens of one State than on others. Therefore, the committee provided for uniform legislation intending to provide one maximum speed limit throughout the Nation.

I believe that this bill is necessary and that in its present form it is the most effective proposal that could be promulgated by Congress at this time.

Mr. KASTENMEIER. Mr. Speaker, while there may be more appropriate

moments to warn about acting precipitously in our desire to respond legislatively to the energy crisis, I am constrained to issue a note of caution to my colleagues during our consideration of H.R. 11372, the Emergency National Maximum Highway Speed Limit Act. Frankly, I have reservations as to whether it has been amply demonstrated that restraints in the form of uniform speed limits for automobiles, buses, and trucks will, in the long run, result in the economy of gasoline consumption. The truckers of the Nation have expressed their position on this question, and they may be correct.

In our efforts to deal with the energy problems, we will be confronted with legislation that ordinarily would not be allowed to see the light of day, particularly those measures which either will impose excessive Government controls and regulations over our lives or which will grant further economic privileges to those vested special interests that already receive too favorable a treatment by Washington. I want to urge my colleagues not to allow themselves to be stampeded into approving, under the guise of responding to the energy crisis, ill-conceived proposals that we later will regret.

The SPEAKER. The question is on the motion of the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the bill H.R. 11372, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to conserve energy on the Nation's highways."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

CONSERVATION OF ENERGY IN FEDERAL BUILDINGS

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11565) to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy, as amended.

The Clerk read as follows:

H.R. 11565

Be it enacted by the Senate and House of Representations of the United States of America in Congress assembled, That as used in this Act, the term—

(1) "new building" means any building (other than a privately owned residential structure) (A) which is to be constructed or altered by or on behalf of the United States, or (B) more than 66 per centum of the net assignable area of which is to be leased by the United States after the date of enactment of this Act after construction or alteration in accordance with plans or specifications of the United States.

(2) "existing building" means any building (other than a privately owned residential structure) which is owned by the United States or which is leased by the United States and more than 66 per centum of the net assignable area of which is used on or after the date of enactment of this Act by or on behalf of the United States.

SEC. 2. The Administrator of General Services shall develop design criteria for new buildings providing the best practicable use and conservation of energy. Such criteria upon development shall be incorporated into plans or specifications for new buildings to be under his custody or control. In developing design criteria, the Administrator of General Services shall consider, but not be limited to: (A) architectural features and site orientation that will make the most efficient use of sunlight and other natural phenomena, (B) insulation and elimination of excessive fenestration, (C) energy expended in the manufacture and transportation of building materials, and (D) new techniques for energy supply, generation, and transmission.

SEC. 3. The Administrator of General Services shall inventory and examine existing buildings under his custody or control to determine what improvements can be made to insure that these buildings will utilize the best practicable technology for the conservation and use of energy.

SEC. 4. (a) The Administrator of General Services shall report to the Congress the results of his survey inventory under section 3 no later than January 1, 1975.

(b) The Administrator of General Services shall report to Congress, not later than January 1, 1975, and from time to time thereafter, on his activities in carrying out section 2 of this Act.

SEC. 5. There is authorized to be appropriated to carry out section 2 not to exceed $500,000, to carry out section 3, not to exceed $5,000,000, and to carry out section 4, not to exceed $500,000.

The SPEAKER. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BLATNIK. Mr. Speaker, all of us are fully aware of the energy crisis confronting our Nation. We are also well aware that, if we are to survive this crisis, a program of energy conservation is necessary.

In the second session of the last Congress, the Special Subcommittee on Energy of the Committee on Public Works, chaired by the gentleman from New Jersey (Mr. HOWARD) with the ranking minority member from Kentucky (Mr. SNYDER) held hearings on some of the energy problems they then felt were facing this Nation.

They recognized at that time there was a need to establish a program to conserve our Nation's energy and to prepare for our future needs. Since that time, the Energy Subcommittee of the Committee on Public Works has held further hearings on the manifold problems of the energy field.

The bill before us today is one of the many steps the Energy Subcommittee will recommend to this body in the future to help us work together to resolve the crisis.

This bill has, as one of its chief sponsors, the gentleman from New Hampshire (Mr. CLEVELAND) and I would congratulate him for his work on the legislation.

It is a simple bill, but an essential one. It insures that certain buildings, financed with Federal funds, would utilize the best practical technology for the conservation and use of energy.

It has the unanimous support of the entire Public Works Committee.

At this time, I would yield to the chairman of the Subcommittee on Energy to give you further details of the legislation, the gentleman from New Jersey (Mr. HOWARD).

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

Mr. Speaker, may I first take a moment to thank Chairman BLATNIK for the kind remarks expressed in regard to me and the Subcommittee on Energy. I would like to bring to your attention the fact that it was the foresight of my chairman, Mr. BLATNIK, together with the foresight of Chairman ROBERT JONES of Alabama, and of WILLIAM HARSHA of Ohio and the ranking minority member on the subcommittee, who made possible the constructive efforts of the Subcommittee on Energy, which efforts are now beginning to bear fruit. I would also like to take this opportunity to thank the subcommittee's ranking minority member, GENE SNYDER of Kentucky, and all the members of the subcommittee, for their unstinting efforts and active participation in trying to understand the causes of our energy crisis and for doing their utmost to meet the energy crisis head on.

In regard to H.R. 11565, I would like to point out that its effect will not be as immediate as the speed limit bill you considered today. It will be very effective, however, in enabling energy conservation over the near term.

H.R. 11565, in summary, authorizes and directs the Administrator of the General Services Administration to develop criteria to be incorporated into the design of new buildings to provide for the best practicable use and conservation of energy. He is also directed to inventory buildings under his custody and control to determine what improvements can be made to them to insure that energy will be conserved and used following the best practicable technology for the purpose. In addition, the Administrator is required to report to Congress the results of his survey not later than January 1, 1975, and the results of his development of criteria not later than January 1, 1975, and from time to time thereafter.

To accomplish these purposes, the bill authorizes the expenditure of $6 million which, it is anticipated, will be expended within the period of fiscal year 1974 and the following 5 fiscal years.

I would like to bring to your attention the fact that the General Services Administration has already initiated energy conservation goals which as of a couple of weeks ago resulted in a 9 percent reduction in GSA energy usage in the preceding 3 months as compared to the same 3-month period of last year. H.R. 11565 can improve that success immeasurably.

H.R. 11565 is particularly attractive

because in great part it is seeking ways to conserve energy by the elimination of waste rather than by requiring additional sacrifices from our people. What is learned by GSA in regard to conserving energy in buildings will serve as a model for conserving energy not only within the Federal Government, but within private industry as well.

It is to be remembered that energy shortages are striking at the rest of the world as well as at the United States. I believe H.R. 11565 can serve the whole world and in doing so will contribute to an additional lessening of the crunch on our Nation.

For all these reasons, I urge adoption of H.R. 11565.

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

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

Mr. VANIK. I would like to ask my distinguished colleague whether under section 2 of the legislation, the criteria "new techniques for energy supply, generation and transmission" specifically includes solar energy?

Mr. HOWARD. The language in here does not limit GSA, and in talking with GSA and the gentleman from Ohio, I would like to congratulate them for in a similar bill introduced by the Committee on Public Works, it was stated this would not be limited and solar energy was discussed quite at length.

Mr. VANIK. But the gentleman can assure me that within this language it is contemplated to have application to solar energy?

Mr. HOWARD. Absolutely.

Mr. SNYDER. Mr. Speaker, I join in the comments of our distinguished colleague from New Jersey.

Mr. Speaker, the bill before us is one that I feel is a very necessary first step in the development of techniques of the conservation of energy. There are over 450,000 buildings under Federal control. Most of these the United States owns outright, the others it leases. Virtually all utilize energy in the form of heat, in the form of light, in the form of electricity. I believe that in virtually all of these buildings there is great saving to be made in the area of efficient utilization of energy and the conservation of energy by the reduction of waste.

Homeowners all over the country appreciate the wisdom of this. The American homeowner is examining his home and is trying to conserve energy by various means such as increasing insulation, installing storm windows, reducing wattage of light bulbs, et cetera.

It is encumbent upon the U.S. Government to do no less. As one of the original cosponsors of this bill, I suggest that the U.S. Government examine its buildings to inventory what should be done to them to preserve and conserve energy.

New buildings to be constructed for the use of the United States should incorporate into their plans or specifications criteria to assure that efficient energy conservation techniques are followed.

Orginally, the bill as introduced would have required the Administrator of General Services to inventory all buildings under the control of the United States. In committee, we decided that it would be wiser at this time to give to the Administrator of the General Services Administration the duty of survey the buildings that were under his custody or control. This amounts to some 10,000 buildings. In addition, the Administrator is to develop criteria for public buildings.

We hope that other committees will follow our example in enacting a similar legislation for buildings under their area of jurisdiction. If they do so, we anticipate that they will find the criteria being developed under this legislation by the Administrator valuable and useful.

Mr. CONTE. Mr. Speaker, the President has urged Americans to turn down their thermostats 6° in their homes or apartments and 10° in their offices and plants. Before this idea is fully accepted, the Federal Government must set an example of energy conservation for the Nation.

This bill, H.R. 11565, is the first step, and I urge my colleagues to vote its passage.

And after this bill is passed, I urge the Members of Congress to enact other reasonable measures that would afford significant energy savings.

I would bring to my colleagues' attention a House resolution, House Resolution 716, I introduced recently to urge the President to order a 4-day workweek for Federal employees. My resolution also urges the President to declare December 24 and 31 as energy holidays so that all Federal buildings could remain closed for two consecutive 4-day weekends. The energy savings from these two measures would be considerable.

I would also urge the Congress to cut out many of the frills and unnecessary luxuries in the Federal Government. Limousines is a prime example. I would limit the number of cars available to VIP's to 20—and I would make them get rid of those big black belch-fires that spend their entire useful life within the enclave of the Federal triangle.

The Pentagon has 43 limousines. I would cut that to a handful. Especially with the military now conscripting 300,000 barrels of fuel a day from the civilian economy. To preach economy, we must do economy.

Mr. CLEVELAND. Mr. Speaker, as original sponsor of this legislation to conserve energy in Federal buildings, I rise to urge colleagues' support for enactment of H.R. 11565.

But first I wish to commend my friend JOHN BLATNIK, chairman of the full Committee on Public Works; JIM HOWARD, chairman of the Energy Subcommittee, and GENE SNYDER, ranking Republican on the subcommittee, for the dispatch with which this bill was scheduled for hearings and brought to the floor. I also wish to thank KEN GRAY, chairman of the Subcommittee on Buildings and Grounds, for acceding readily to our request that this measure be handled by the Energy Subcommittee, and all 15 cosponsors of the bill.

Finally, I wish to express appreciation to my colleague from Ohio (CHARLIE VANIK), who has exercised real initiative in the fields of energy conservation and research, for his testimony in support of the bill.

H.R. 11565 represents an attempt to realize both short- and long-term energy savings in the design, construction, and operation of buildings. It recognizes that the era of energy abundance is over, that wasteful practices can be curbed for immediate savings, and that even greater savings can be realized by designing conservation into new buildings from scratch.

I have seen estimates that construction and operation of manmade structures account for 30 to 40 percent of the total energy consumed in this country. The same authorities estimate that a 25-percent potential saving would be conservative.

Given the degree of waste, of inefficient energy use, conservation through measures such as this offers most promising ways to decrease consumption while minimizing disruptive effects on the economy and the standard of living of the individual citizen.

It is particularly important to apply this approach to buildings, which once built and equipped represent a commitment to consumption patterns of long duration, unlike appliances and automobiles. End-use savings realized in electricity consumption yield multiple economies in view of the losses in primary fuels represented by generation and transmission of electric power.

This bill directs the General Services Administration to devise the most workable application of energy-saving technology to existing public buildings under its jurisdiction. As to new construction, it would require GSA to develop and impose design criteria incorporating energy savings into the entire process of design, construction, and operation. Potential areas of savings here include production and transportation of building materials, positioning of buildings for sun exposure, location and extent of windows, insulation, choice of materials, overall layout and use of heating, cooling, lighting, and ventilation.

Its direct impact is limited to GSA, but I feel it should have an effect governmentwide. Moreover, it should help create a conservation consciousness in purely private construction by innovations in design and operation, creation of a market for equipment, materials and techniques, and demonstration of fuel cost savings in relation to cost of conservation measures. It is particularly important to replace the first-cost mentality with awareness of fuel costs over the life cycle of the building.

A great virtue of this bill is that it does not depend on an extensive amount of research or innovation. In fact, it draws upon a large body of knowledge already available within the architectural and engineering professions. Thus, it will stimulate introduction of technology already on the shelf but not introduced because of the low priority accorded energy conservation in the recent past.

Furthermore, it should give great impetus to commendable initiatives already undertaken by GSA to put existing knowledge to work. The agency is designing an energy-conservation building for Manchester, in my home State of New Hampshire, and initial design work has already demonstrated that an initial ob-

jective of saving 20 percent in comparison with other buildings of comparable function will be far surpassed.

There may well be grounds for enacting other legislation providing further incentives, such as the tax deductions, to encourage application of the conservation methodology devised under this bill. But experience under it should provide a solid body of factual information on which to base further action.

The goal of self-sufficiency in energy, which the President has termed Project Independence, will demand much more of us. The overall effort will include stepped-up research, other conservation measures, resource development and energy-related environmental protection. Moreover, citizens must do their part individually by exercising restraint and saving fuel as to minimize the shortages and the disruptive effects of measure to allocate resources.

This bill represents a demonstration that Government is moving forward to do its part. Thus, it should offer incentive to needed conservation by citizens, I urge colleagues to join in its support.

Mr. VANIK. Mr. Speaker, the legislation we are now considering, H.R. 11565, "Energy Conservation in Public Buildings," is an encouragement: It is encouraging that the Public Works Committee has recognized the important role the Federal Government can play in initiating energy conservation designs in office building construction. I am also pleased by the gentleman's response—that it is the intent of the committee that solar energy be considered in the construction of Federal office buildings.

Solar energy is the only limitless, nonpolluting energy source we know. It only makes sense that in these days of fossil fuel shortage, we work to maximize our use of the Sun. For every unit of heat that we harness directly from the Sun, we are freed from extracting, transporting, refining, and burning one unit of heat from fossil fuel. The logic is simple, but we continue to fail to understand the tremendous potential of solar power.

The technology for utilizing the Sun's energy to heat and cool our buildings is already in our hands. Today, office buildings in Saginaw, Mich., Langley, Va., Bethplace, N.Y., Lincoln, Mass., and Millbrook, N.Y., are being designed to rely on the Sun for heating and cooling. In most cases, the use of solar energy will mean that the fossil fuel needs of these buildings will be cut from between 40 to 75 percent.

The major obstacles to the widespread application of solar heating and cooling technology are economic and social. But we can expect that both these obstacles will rapidly disappear in the near future. Solar heating and cooling is already economically competitive with electric heating. In the years ahead, as fossil fuel prices spiral upward, solar technology will become the most economical and efficient energy source in most areas of the country.

A second major obstacle that must be overcome, however, is public miseducation. Most people—including members of the building industry—are simply unaware of the potential benefits of solar energy. The Federal Government, through an ambitious program of demonstration projects, could "spread the word" that solar heating and cooling equipment can be economical, efficient, and architecturally attractive.

A more ambitious step could have been taken in this bill. The legislation could have required the construction of Federal buildings to use solar energy to the maximum extent that it is economical and efficient. In addition, steps could have been taken to insure that existing federally owned and leased buildings be equipped or "retrofitted" with solar heating and cooling equipment. I hope the committee will consider these matters in future legislation.

The SPEAKER. The question is on the motion of the gentleman from Minnesota (Mr. BLATNIK) that the House suspend the rules and pass the bill, H.R. 11565, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THAT THE SPEAKER BE AUTHORIZED TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT OF THE HOUSE UNTIL TUESDAY, DECEMBER 4

Mr. McFALL. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Tuesday, December 4, the Clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that motions may be made to pass the bills S. 2673 and S. 1747, with amendments to strike out all after the enacting clause and insert the text of the similar House bills passed today under suspension.

Those bills are: H.R. 11710 and H.R. 9437. These may be added to the suspension list for Tuesday.

DAVID BEN-GURION

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

Mr. PODELL. Mr. Speaker, the people of Israel are still in mourning for the hundreds of young men who fell in the recent war. Their death has been a bitter loss. Saturday morning Israel suffered a new blow with the death of David Ben-Gurion, one of her founding fathers and her first Premier. But our grief at his passing is not mingled with bitterness, only regret that he died before the peace that he had struggled so long for was achieved. For Ben-Gurion's life was one of great fulfillment; perhaps more than any other person he was responsible for the achievement of Theodore Herzl's dream, the creation of a free Jewish State in Palestine.

He arrived in Palestine in 1905, at the age of nineteen; and in the course of almost 70 years of service, he and his comrades built a small fledgling community into a great and independent nation. Nor was he simply a political and military leader, though he saw his country through two wars as well as years of struggle before the State even existed. He was a pioneer of great vision attempting to create a new social order and a new relationship between the people and their land, leaving the ways of the old country behind them.

The high point of his career was the proclamation of independence in 1948 but even after the war of independence was won he had no illusions that any of his battles were over. Not the battle for independence, not the battle for social justice, and not the battle to reclaim the land. All of these are still ongoing more than 25 years later. But his faith and his accomplishments give us our hope for the future. There is a Jewish tradition that truly righteous people die on the Sabbath and surely Ben Gurion was one of the shining lights of our generation.

Perhaps his vision for Israel was best expressed through his love for the Negev, the barren desert that comprises southern Israel and more than half the land area of the newly created State. It was here he made his home, it was here he was buried, and it was in the reclamation of the Negev that he not only foresaw but began the fulfillment of the Biblical prophecy: "For the Lord has had mercy on Zion, He has taken pity on her ruined places, He will make her desert like Eden and her wilderness like the garden of God."

CASTRO CONTINUES HOSTILITY TOWARD UNITED STATES

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

Mr. FASCELL. Mr. Speaker, in recent months there has been increasing speculation in the press and elsewhere about the desirability of changing present U.S. policy toward Cuba. Two relatively minor incidents in the last several weeks lead me to the opposite conclusion, since they underscore once again the Castro Government's hostility toward this country and our own citizens.

In one incident a private U.S. aircraft strayed off course, apparently as a result of a faulty navigation system. After some delay the plane, its crew and passengers, were released but not before Cuban officials had exacted $11,000 in repairs, landing fees, and other costs. The other costs were what Cuba says it cost to have two Mig fighters escort the errant U.S. aircraft to a Cuban airfield. While I hope that Cuba will abandon this ill-advised policy, if that country persists in this sort of policy I would hope that various U.S. agencies which are called on at various times to intercept or assist Cuban vessels or aircraft will make certain that the same kind of policy is applied to Cuba which she applies to us.

The second incident, which is much more outrageous, involves the holding of a 20-year-old U.S. seaman, Ralph Brembt, for ransom. He has been in Cuban hands for 3 months since a yacht on which he was serving as a crew member sank near Cuba. He and two other crewmen, both British subjects, were rescued by Cubans but Cuba refuses to allow Brembt to return to the United States until the yacht's owner forks over $6,000 to pay for the alleged rescue costs of the yacht's crew. The owner paid $2,800 for earlier repair for the boat but now is either unwilling or unable to pay the rest of the ransom Castro demands. While the two British seamen have been released, Mr. Brembt is being kept in Cuba for the crime of having been a crew member on a vessel in distress.

Earlier this year Cuba joined the United States in an accord aimed at ending aircraft hijacking. At that time many hoped that the agreement signalled a change in Cuban policy and a new willingness to respect international legal standards and the traditional role of comity in international relations. It is now clear that such hopes for improved relations were ill-conceived.

HOUSE CONCURRENT RESOLUTION 173—RELATING TO THE U.S. FISHING INDUSTRY

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

Mr. VANIK. Mr. Speaker, as a former member of the Merchant Marine and Fisheries Committee, I share the concern of many Members about the health of the American fishing industry, particularly in the North Atlantic.

In 1962, the Congress passed Public Law 87-794, the Trade Expansion Act of 1962. Included in that legislation, is a section on conservation of fishery resources, which reads as follows:

Upon the convocation of a conference on the use or conservation of international fishery resources, the President shall, by all appropriate means at his disposal, seek to persuade countries whose domestic fishing practices or policies affect such resources, to engage in negotiations in good faith relating to the use or conservation of such resources. If, after such efforts by the President and by other countries which have agreed to engage in such negotiations, any other country whose conservation practices or policies affect the interests of the United States and such other countries, has, in the judgment of the President, failed or refused to engage in such negotiations in good faith, the President may, if he is satisfied that such action is likely to be effective in inducing such country to engage in such negotiations in good faith, increase the rate of duty on any fish (in any form) which is the product of such country, for such time as he deems necessary, to a rate not more than 50 percent above the rate existing on July 1, 1934.

This provision would surely seem to apply to several of the countries which have been ravaging our fisheries and depleting the fishery resources immediately off our coasts. In a letter of September 6, 1973, I asked the National Oceanic and Atmospheric Administration why this provision was not being used. The reply letter from Administrator White indicates some of the very severe difficulties which the United States has experienced in obtaining cooperation in fishery conservation. Mr. White also indicated that the administration did not want to use the section of the trade bill giving the President authority to raise tariff rates 50 percent above the old Smoot-Hawley rates of 1934. It is claimed that these small tariff rates would make little difference.

Mr. Speaker, the column 2 tariff rates on fish are low. But the application of these rates and even an increase in their level could provide some relief—some real, significant relief to our fishermen. I would hope that all of us concerned about the conservation of these natural resources would continue to urge the application of section.

Finally, Mr. Speaker, I would like to point out that we will soon be asked to consider a new trade bill—one which makes even larger grants of authority to the adminstration. I would hope that all of us could consider how seldom the administration uses provisions of present law designed to protect American resources and workers, before we extend new powers and new authorities.

The latter from Administrator White, as well as the tariff schedule for fresh, chilled, or frozen fish is as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
Rockville, Md.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is in response to your letter of September 6, 1973, asking if we are using Section 257 paragraph (i) of the Trade Expansion Act of 1962 (Public Law 87-794), which amends Part I of Title III of the Tariff Act of 1930 by adding "Section 323, Conservation of Fishery Resources," to encourage foreign countries that are members of the International Commission for the Northwest Atlantic Fisheries (ICNAF) to comply with or cooperate with the United States in the development of a "comprehensive multilateral management program" for the fisheries resources off our Atlantic coast.

As you point out, this section of the law relates to action on import duties the President may take to induce countries whose conservation practices or policies affect the interests of the United States to engage in good faith negotiations concerning the conservation of international fishery resources.

Rates of duty on fish imports from such countries that fail to engage in such negotiations in good faith may be increased to a rate not more than 50 percent above the rate existing on July 1, 1934.

The members of the International Commission for the Northwest Atlantic Fisheries are Bulgaria, Canada, Denmark, France, the Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, the U.S.S.R., and the United Kingdom, as well as the United States.

The meetings of the Commission are concerned with the development of international conservation programs for the fishery resources of the Northwest Atlantic Ocean and would appear to be the kind of meeting for which the provisions of law noted above might be invoked.

A difficulty, however, is that most fishery products, other than those canned products subject to *ad valorem* duty, had very low rates of duty in 1934 amounting to only a few cents a pound. (These are illustrated in column 2 of the enclosed Tariff Schedules of the U.S. Annotated, Schedule 1.—Animal and Vegetable Products, Part 3.—Fish and Shellfish.)

In these circumstances, action to increase rates of duty on fishery products 50 percent above the 1934 rate would have minimum effect on ICNAF member countries, other than Norway which would be concerned about the rate of duty because of its canned sardine shipments to the United States, and Japan which would be concerned because of its sale of canned tuna. However, Norway is not conducting fisheries off our North Atlantic coast, and the fisheries of Japan in this area are quite limited.

The fisheries off our Atlantic coast of principal concern to us are those carried out by the distant-water European fishing countries, particularly the Soviet-bloc countries. These are the developed maritime countries with extensive interests in the ocean that have a major stake in maintaining a significant degree of international cooperation in the management of ocean affairs. They are aware that the direction taken at the new Law of the Sea Conference scheduled to convene late this year and begin substantive sessions next year will have a major influence on their future activities.

United States Delegates to ICNAF meetings have made clear that failure to find solutions to fisheries conservation problems in international bodies such as ICNAF must inevitably have a direct bearing on the new framework for managing fisheries that will emerge from the Law of the Sea Conference. This point was clearly made in the Opening Address to the ICNAF Annual Meeting in Washington, D.C., May 25, 1972, by the Under Secretary of Commerce, a copy of which is enclosed. Also enclosed is a copy of a statement the Secretary of Commerce issued immediately prior to the 1973 ICNAF Annual Meeting pointing out that failure to develop effective conservation measures within ICNAF would lead to reconsideration of United States participation in the Commission.

That other ICNAF member countries are aware of the seriousness of the situation, was indicated when they proposed a Special Meeting of the Commission in October 1973 to consider further the issues that could not be resolved at the Annual Meeting in June 1973.

At the special Meeting of ICNAF in Ottawa, October 15–19, 1973, agreement was reached on a 3-year program which is pledged to al-

low the stocks to recover to a level that would produce the maximum sustainable yield. Agreement was also reached on a gear restriction that will keep almost all foreign bottom trawls out of the relatively shallow waters off southern New England for 6 months of the year. This will be of direct benefit to American fishermen since the foreign bottom trawls in this area cause them competitive disadvantage and a loss of species which are important to the American market.

The agreement calls for an overall catch limitation in 1974 of 923,900 metric tons, going down to 850,000 metric tons in 1975. In 1976 the ICNAF regulation will require this limitation to be set at a catch which will allow the biomass to recover to a level which will produce the maximum sustainable yield. The 923,900 ton figure in 1974 may be compared to overall catches of the species in question of 1,144,700 in 1971, 1,188,400 in 1972, and a projected catch of about the same this year.

Individual allocations of these overall quotas were made which will permit the United States and Canada increased catches in 1974 over the 1972 catch and the projected catch for 1973. At the same time, all nine distant-water fleets which received individual allocations will be permitted 1974 catches less than their 1972 catches and projected 1973 catches. A press release summarizing the results of the meeting is enclosed.

As we indicated in our letter of August 16, concerning ICNAF matters, we are determined to continue to work to establish an effective international framework for the protection of American fisheries interests.

We appreciate your interest in these critical questions concerning the protection and conservation of North Atlantic fisheries resources.

Sincerely,

ROBERT M. WHITE,
Administrator.

TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1972)

SCHEDULE 1.—ANIMAL AND VEGETABLE PRODUCTS—PART 3.—FISH AND SHELLFISH

Item	Stat. Suffix	Articles	Units of quantity	Rates of duty 1	Rates of duty 2
		Part 3.—Fish and Shellfish			
		Part 3 headnote: 1. The term "fish", as used in this part, does not include shellfish, or whales or other mammals. This part covers only fish and shellfish, live or dead, fit for human consumption. 2. In subparts A and B of this part, the term "whether or not whole" means if whole, or if processed by removal of heads, fins viscera, scales, skins, or bones, or by filleting, division into pieces, or other cutting or s'icing operations, but not minced or ground. 3. In subparts C and D of this part, the term "in oil" means packed in added oil or fat, or in added oil or fat and other substances, whether such oil or fat was introduced at the time of packing or prior thereto.			
		4. Live fish and shellfish imported to be used for purposes other than human consumption are covered by item 190.45 (see part 15F of schedule 1) and certain other fish and shellfish products are covered by parts 14 and 15 of schedule 1.			
		Subpart A.—Fish, Fresh, Chilled, or Frozen			
		Subpart A headnote: 1. In item 110.50 of this subpart, "apparent consumption" shall be the sum of (a) the production in the United States of fresh and frozen fillets, steaks, and sticks of the named fish as defined on Oct. 30, 1947, and as reported, by the United States Fish and Wildlife Service, (b) the quantity of such fillets, steaks, and sticks entered into the United States free of duty under the provisions for "products of American fisheries" in part 15 of schedule I, and (c) the quantity of the named fish entered into the United States and provided for in items 110.50 or 110.55.			
		Fish, fresh, chilled, or frozen, whether or not whole, but not otherwise prepared or preserved:			
110.10	05	Sea herring, smelts and tuna	----	Free	Free
		Smelts	Lb		
		Tuna:			
	12	Albacore	Lb		
		Yellowfin:			
	20	Whole fish	Lb		
		Eviscerated fish:			
	25	Head-on	Lb		
	30	Head-off	Lb		
	37	Other	Lb		
	45	Skipjack	Lb		
	50	Other	Lb		
	55	Sea herring	Lb		
		Other:			
		Whole; or processed by removal of heads, viscera, fins, or any combination thereof, but not otherwise processed:			
110.15		Cod, cusk, eels, haddock, hake, pollock, shad, sturgeon, and fresh-water fish	----	Free	1¢ per lb
		Fresh-water fish:			
	10	Whitefish	Lb		
	35	Pike, pickerel, and pike perch (including yellow pike)	Lb		
	40	Lake trout	Lb		
	50	Other trout	Lb		
	75	Other	Lb		
	95	Cod, cusk, eels, haddock, hake, pollock, shad, and sturgeon	Lb		
110.20		Halibut and salmon	----	Free	2¢ per lb
	20	Halibut	Lb		
	40	Salmon	Lb		
		Mackerel:			
110.25	00	Fresh or chilled	Lb	Free	2¢ per lb
110.28	00	Frozen	Lb	0.35¢ per lb	2¢ per lb
		Swordfish:			
110.30	00	Fresh or chilled	Lb	Free	2¢ per lb
110.33	00	Frozen	Lb	Free	3¢ per lb
110.35	00	Other	Lb	0.5¢ per lb	1¢ per lb
110.36		If products of Cuba (except Atlantic ocean perch (rosefish) and totoaba or white sea bass)	----	0.4¢ per lb (s)	
		Scaled (whether or not heads, viscera, fins, or any combination thereof have been removed), but not otherwise processed:			
110.40	00	In bulk or in immediate containers weighing with their contents over 15 pounds each	Lb	Free	1.25¢ per lb
110.45	00	Other	Lb	6% ad val	25% ad val
110.47		Skinned and boned, whether or not divided into pieces, and frozen into blocks each weighing over 10 pounds, imported to be minced, ground, or cut into pieces of uniform weights and dimensions	----	Free	1.25¢ per lb
	10	Cod	Lb		
	20	Flatfish	Lb		
	30	Haddock	Lb		
	40	Pollock	Lb		
	50	Other	Lb		
		Otherwise processed (whether or not heads, viscera, fins, scales, or any combination thereof have been removed):			
		Cod, cusk, haddock, hake, pollock, and Atlantic ocean perch (rosefish):			
110.50		For an aggregate quantity entered in any calendar year of 15,000,000 pounds, or not more than a quantity equal to 15% of the average aggregate apparent annual consumption of such fish during the 3 calendar years immediately preceding the			

Item	Stat. Suffix	Articles	Units of quantity	Rates of duty 1	Rates of duty 2
		year in which the imported fish are entered, whichever quantity is greater, of which total quantity not over ¼ shall be entered during the first 3 months, not over ½ during the first 6 months, and not over ¾ during the first 9 months of that year	-----	1.875¢ per lb.	2.5¢ per lb.
	20	Atlantic ocean perch (rosefish)	Lb.		
	40	Cod	Lb.		
	60	Cusk, haddock, hake, and pollock	Lb.		
110.55		Other	-----	2.5¢ per lb.	2.5¢ per lb.
	20	Atlantic ocean perch (rosefish)	Lb		
		Cod:			
	45	Fresh or chilled	Lb		
	50	Frozen	Lb		
		Cusk, haddock, hake, and pollock:			
	65	Fresh or chilled	Lb		
	70	Frozen	Lb		
110.57	00	Wolf fish (sea catfish)	Lb.	Free	2.5¢ per lb.
110.65	00	Yellow perch	Lb.	1.5¢ per lb.	2.5¢ per lb.
110.70		Other	-----	Free	2.5¢ per lb.
		Fresh-water fish:			
	10	Pike, pickerel, and pike perch (including yellow pike)	Lb.		
	24	Catfish	Lb.		
	28	Other	Lb.		
		Flatfish, except halibut:			
	33	Fresh or chilled	Lb.		
	37	Frozen	Lb.		
	40	Halibut	Lb.		
	50	Swordfish	Lb.		
	6	Other	Lb.		

FUEL SHORTAGES PLACE GREATER BURDEN ON GENERAL AVIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SHRIVER) is recognized for 10 minutes.

Mr. SHRIVER. Mr. Speaker, the announcement over the weekend of revisions in previously declared fuel allocations for general aviation represented a step in the right direction, and recognizes the vital role which this segment of air transportation assumes in our national economy.

Much of my time during the past week has been devoted to seeking correction of the ill-advised initial allocation cuts announced by President Nixon on Sunday, November 25. I was pleased, therefore, by the White House response to my demands for a reevaluation of the planned fuel cuts.

The overall fuel reduction, now revised from 42.5 to 25 percent, represents a more equitable allocation for general aviation. The modified allocations are from 20 to 15 percent reduction for the air taxi, agricultural, and industrial applications; from 40 to 25 percent reduction for business flying; and from 50 to 35 percent reduction for personal and instructional flying.

There are too many people, in and out of Government, who do not understand the importance of general aviation to our air transportation system and to the overall welfare of this Nation.

General aviation certainly is not the villain insofar as fuel consumption is concerned in this country. The responsible leadership of the general aviation industry recognizes the gravity of the current energy shortage and has worked willingly and closely to implement necessary conservation measures. It also should be noted that general aviation uses only 6 percent of total civil and military aviation fuels, both kerosenes and gasolines. This important segment of the air transportation industry stands ready to play its part in the energy crisis—but it certainly should not be destroyed by unfair and inequitable fuel allocations.

Mr. Speaker, the air transportation role of general aviation will increase not decrease in the coming months as a result of the Nation's fuel shortages.

Major commercial airlines are announcing drastic cuts in airline services due to the fuel shortages. These service reductions will place an additional burden on general aviation. Many smaller communities across the Nation, including my own State of Kansas, are dependent upon the services of general aviation and this dependence will grow.

In recent years we have seen the decentralization of many large industries and businesses into small towns and cities. This is especially true in Kansas where we have welcomed a number of new businesses and industries. These businesses have come to rely on the business airplane and the services of commuter and taxi airlines, flying smaller planes, as an essential part of their everyday conduct of business and their productivity.

Seventy percent of all general aviation is for business and commercial purposes with some 38,000 turbine-powered aircraft operated by businesses. General aviation today is carrying about one of every three air passengers on intercity flights each year and 60 percent of those carried are between communities not served by the airlines.

There is no doubt in my mind of the importance of general aviation in the improvement of our national economy, in maintaining the stability of smaller communities and rural areas, in bettering our own balance of payments and trade picture.

As the elected representative of the Fourth Congressional District of Kansas which is recognized as the heart of the general aviation manufacturing industry, I have given first priority to the health and vitality of this key segment of the Kansas economy. There must be continued vigilance and attention to assure fair and equitable treatment of general aviation whether it involves today's urgent problem of fuel allocation, or other related issues including user fees, airport development, trust fund distributions, or other Government-imposed regulations.

The jobs of thousands of workers are involved here; but the national economy is also affected when adverse actions are taken in regard to general aviation.

It is important that the administration and my colleagues in the Congress be fully informed of the role of general aviation. It is my intention to continue to tell the story of general aviation.

THE PLIGHT OF SMALL, PRIVATE COLLEGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK), is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I am taking this opportunity today to express my concern over the plight of small, private, liberal arts colleges in this country. The financial pressures on these institutions of higher learning have been devastating, if not insurmountable, in far too many cases.

This was proven true for Shimer College of my home State of Illinois. Located in Mount Carroll, Carroll County, Ill., slightly over 100 miles from Chicago, Shimer College has merited much praise during its 120-year life. With its small enrollment, very selective and highly competitive terms have been applied to Shimer's admissions policy. Its curriculum is innovative and experimental.

Mr. Speaker, it was therefore with a deep sense of regret that I learned Shimer College will, according to the trustees, cease to exist on December 31, 1973. The passing of any institution means the possible loss of its tradition and history, and a definite loss for its potential for further service to its students and the surrounding community.

The experience of Shimer College in the past decade presents in a microcosm the interaction of the pressures influencing, in varying degrees, all of the small, private, liberal arts institutions in this country. According to an article in the Chicago Tribune of November 18, 1973, Shimer College was operating with a deficit of over $200,000 in 1963, but was able to reduce that deficit to $80,000 by 1967. The 1960's have been termed the "golden years" in higher education, and it appears that Shimer College shared higher education's good fortune at least in the middle of that decade.

Unfortunately, by 1971, the deficit had reached beyond half a million dollars. To keep solvent, Shimer College borrowed. But with the costs of running a college rising constantly due to inflation, Shimer College was never able to catch up. The 1973–74 budget really highlighted the problem. To meet its expected expenses of approximately $1.3 million, the administrators of Shimer College projected that approximately 40 percent of that total would have to come from tuition and fees, 24 percent from room and board fees, and 36 percent from gifts. It is critical to note that over 64 percent of Shimer's expected income was to be derived from its student population. That dependence upon the student body proved a large part of Shimer's closing, because the 1973–74 enrollment fell below its projected level. Much of the col-

lege's expenditures were already committed in the form of salaries, and physical plant maintenance costs. In light of those fixed costs, the reduction in income, and the soaring deficit, the trustees of Shimer College announced they would have to close the school.

That which will soon come to pass in Mount Carroll, Ill., is a very real part of the bleak future which will await many other small, liberal arts colleges. What are the facets of their situation?

As in the case of Shimer College, inflation takes and will continue to take a substantial portion of any budget. Significantly, the rate of inflation is an element over which the institution has very little control.

All private institutions of higher education evince a dependence on income from students. According to statistics released by the National Center for Educational Statistics of the Office of Education, in the 1969–70 school year, 34.7 percent of the current-fund revenue of private institutions came from student tuition and fees. That compares to only 12.6 percent for public institutions. The difference, of course, is made up by the State governments. The implements of this difference in revenue sources is found primarily in the gap between tuitions charged at public and private institutions. The National Center for Educational Statistics computes the average 1973–74 tuition of public institutions at $412 and that of private institutions at $2,044.

In the competition for students, on a purely monetary basis, public colleges have a distinct edge over their private counterparts. David Trivette, a research associate for the Educational Resources Information Center Clearing House on Higher Education, argues that:

> Small private institutions are severely hit because their drawing power is limited, they can scale down operations only so far (and still call themselves a college), and each student loss shrinks income.

The fortunes of these private institutions are increasingly tied to student enrollment and to their ability to use internal resources more efficiently. A 1973 study by the American Council on Education of enrollments reveals how poorly the private school has fared in the competition for students. In 1950, the student population was evenly divided between public and private institutions. By 1960, the public schools claimed 59 percent of the student population, and, by 1965, the gap had increased to 66 percent for public schools, and, a shrinking 34 percent for private schools. In 1972, only 26 percent of the American student body was enrolled in private institutions.

Steep inflation and shrinking enrollments are the reality with which each small private college must deal. What are the means to meet this reality? Either costs must be reduced or income increased, or a combination of both.

Reducing costs is neither simple nor easy for these institutions. The problem is compounded by the experience of higher education in the 1960's. Colleges and universities, blessed with rising enrollments and spectacular increases in government assistance, expanded their horizons and enlarged their aspirations.

Also, a new sense of responsibility was infused on higher education. Much emphasis was placed on research, particularly in the sciences, and, as a result, some parts of the universities and colleges gained a dominance over others. Then, with the decline in the rate of Government support and the dramatic problems which beset the institutions of higher education during the latter part of the decade, many institutions found themselves overextended. If able to recover, these schools will have to reevaluate their role in their communities and in the educational arena. For some, they will have to eliminate expenditures. Yet, one is then brought face to face with the statement of Shimer College President Robert Spencer Long, as quoted in the Chicago Tribune, that—

> We had run lean so long there was just no place to cut back.

Rethinking priorities and eliminating financial "deadwood" is not the solution for the Shimer Colleges of America.

Increasing income proffers some relief, yet what are the ramifications of such a proposal? There are two key ways, among several, of increasing income—raise tuition and fee rates, and increase enrollments.

Helen Shell, a research associate of the ERIC Clearing House, having analyzed the effects of a rise in tuition and fees, is not convinced of this approach. As tuition is raised a new layer of students needing financial aid is uncovered. Some of those students will be forced to drop out, others will decline acceptance, and the number of applications may fall substantially. In that case, an institution would be caught trying to meet its fixed costs with a reduced income. Raising tuition rates also works against private schools in their competition for students with public schools.

Increasing enrollments, although generative of new income, is beyond the capacity of some small schools. The 1971 Carnegie Commission study of the future of higher education, "New Students and New Places," suggested minimum enrollment sizes for institutions of various types in order to reach a state of operational efficiency. A minimum enrollment size of 1,000 was set for liberal arts colleges. The Commission recognized that many complex factors are at work in determining the actual size of any institution and that for some institutions too much would be sacrificed if they were to strive to achieve a minimum enrollment size. The Commission also took note of those small, private schools largely dependent upon tuition as a source of income. Delineating the cycle of raising tuition costs to meet increased expenditures resulting in a decrease in ability to attract students, the Commission added that expanding enrollment also meant that endowment income per student was likely to decline. This would force the institution to depend even more on tuition to meet costs per student. The Committee for Economic Development proposed last month that an increase in tuition charged at public institutions would make private ones more competitive. This, it was suggested, would help reverse the enrollment trend away from private schools, thereby bringing in more tuition and fees. The proposal has drawn fire from many experts for its effects upon the accessibility of public schools to the general community. It has also been suggested that the private institutions expand their definition of a student and institute new programs of adult and continuing education. This would not only increase tuition revenue but make more efficient use of the physical plant.

Despite all of these difficulties with increasing enrollment, it has been concluded by some that any funds derived from an expansion of student enrollment will no longer be able to raise income to the level of expenditure. Some of these analysts suggest that these institutions should make increased and more efficient use of their resources. Yet we have seen that this is not a solution for all problems.

Earl F. Cheit, a program officer of the Ford Foundation, wrote in a 1973 study for the Carnegie Commission, "The New Depression in Higher Education—Two Years Later," that many institutions have been looking to Washington for help out of the financial morass in which they find themselves. The Education Amendments of 1972 with some programs affecting higher education raised some hopes. But, according to Mr. Cheit, the amendments did not offer a "coherent strategy" of Federal aid to higher education. In his study, Mr. Cheit goes on to analyze the prospects of increased State aid, and finds that the proportion of State budgets intended for higher education is no longer increasing, and that, in two-thirds of the States the proportion is actually decreasing.

It is sad, but true, that it is almost impossible for colleges like Shimer to meet the financial demands being placed upon them. An analyst William W. Jellema, claimed, in a Wall Street Journal article of September 13, 1973, that the future is not secure for most private schools. The elimination of private schools was running at a rate of one school per week in 1972 according to one source.

It is much too important for the future of higher education in this country to ignore the death of an institution of the stature of Shimer College and to be unaware of the forces which are bringing about its demise.

I have today addressed myself to some of the critical pressures in higher education and to the difficulties involved in attempting to alleviate these pressures. The burden is heavy, particularly for schools like Shimer College, and, despite the desire on the part of all segments of society, there are no ready or easy solutions to the large gap between expenditures and income. Congressman KEMP and I have discussed this particular situation at Shimer, and, as are all Members, are distressed we have no answer.

PUBLIC FINANCING OF ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 20 minutes.

Mr. FRENZEL. Mr. Speaker, in the House, we have been very concerned with

Senate efforts to subvert our rules by forcing a public financing of elections bill on us. In the Senate the public financing oratory has concentrated on the nonissues. In this whole mess, almost nobody is asking critical questions about the profound changes that public financing will make in our election processes.

One person has asked some of the difficult questions. David Broder, in a piece in the Washington Post of December 2, listed some of the sweeping changes public financing will bring to the political scene. In Mr. Broder's words, the "consequences have barely been examined in the brief congressional debate." The newspaper article follows:

ELECTION FUND BILL WOULD BRING SHIFT TO POLITICAL SCENE

(By David S. Broder)

The campaign finance provisions that senators want to attach to the debt ceiling bill would cause the biggest change in American politics since the application of the one man-one vote doctrine to virtually all elections.

By providing public financing for presidential campaigns and drastically reducing the role of private contributors, the legislation would eliminate what many political participants and observers contend is the largest source of corruption in American politics.

But if the measure becomes law, it would do many other things as well—and those consequences have barely been examined in the brief congressional debate.

The main purpose of the legislation—and its most predictable effect—would be to reduce the dependence of the candidates on specific large contributors and to reduce the influence of those contributors on the candidates.

Although much of the impetus for the bill came from the Watergate case and its revelations of illegal corporate contributions to the Nixon campaign, politicians know that no party or ideology has a monopoly on big givers.

Issue-oriented liberals, labor organizations and "peace" groups have assembled funds for presidential hopefuls in recent years that approach, if they do not match, corporate or conservative kitties.

Nonetheless, the votes by which the amendment was passed in the Senate had a marked partisan and ideological coloration. Most Democrats and most liberals in both parties supported public financing; most Republicans and most conservatives in both parties voted against it.

The presumption that liberals and Democrats would benefit from the change is strengthened by the realization that money is just one of the sources of influence on a political contest. If access to large sums is eliminated as a potential advantage for one candidate or party by the provision of equal public subsidies for all, then the election outcome will likely be determined by the ability to mobilize other forces.

The most important of these other factors are probably manpower and publicity. Legislation that eliminates the dollar influence on politics automatically enhances the influence of those who can provide manpower or publicity for the campaign.

That immediately conjures up, for Republicans and conservatives, a picture of the union boss, the newspaper editor and the television anchor-man—three individuals to whom they are rather reluctant to entrust their fate—electing the next President.

Whether this shift would, in fact, work systematically to the benefit of Democrats and liberals remains to be seen. But there is little question that the premium on a candidate who is telegenic, who has good press relations and who has access to large numbers of volunteer workers would increase.

Many presidential hopefuls with minimal labor support (like Barry Goldwater and George McGovern) have been able to recruit masses of volunteers, but the big membership of the unions and their well-developed recruiting and subsidizing techniques may give the union leaders' favorites a larger advantage than they have previously enjoyed in presidential politics.

While public financing's relative effects on labor, business and the press may be debatable, there is little dispute that one institution would become vastly more powerful in its influence on campaigns—the government itself.

The pending provision calls for appropriation of sufficient funds to fill the gap between the spending ceilings and the amount raised by a voluntary check-off on income tax return.

Appropriations are of course, subject to political pressures from Congress and the President. They may be delayed, reduced or even vetoed. Critics of public financing have warned that incumbent politicians of either party—in the White House or Congress—should not be given the power to decide how much the President's challenger will be able to spend.

Proponents of public financing say they are aware of the risk, but believe that Congress and the President will act responsibly and not coke off funds for an opponent.

Other questions imbedded in the legislation are a matter of debate among the handful of people who have analyzed the bill's effects, but have not yet reached public discussion. Here are some of them:

What is the effect of subsidizing presidential primary campaigns on the kind of nominees chosen? An innovation in the legislation is the provision of matching grants from the Treasury for contributions of $100 or less to contenders in the presidential primaries. To qualify, a candidate would have to raise the first $100,000 in units of less than $100 himself. After that, he would be subsidized up to a spending limit.

Advocates argue that this would open the presidential field to candidates who are not wealthy themselves or who lack wealthy sponsors, increasing the voters' choice and reducing the influence of money on presidential politics.

Critics point out that it would also have the effect of encouraging more candidates, and that, in large, multi-candidate primary fields, the winner can easily be an extreme advocate of some emotional position who can "win" with as little as one-third of the total vote.

What is the effect on the party system? The legislation says the federal subsidy will go to "any political committee" designated by the candidate to receive funds. The provision was designed, its proponents say, to fix personal responsibility on the candidate for the way his money is spent.

Critics of the bill contend that it will sever whatever fragile bonds now exist between the presidential candidate and his party. They note that if it had been in effect in 1972, Mr. Nixon could have designated the Committee for the Re-election of the President to receive $21 million in public funds.

What is the effect on minor-party candidacies. The legislation says that minor parties will be subsidized in proportions to their showing in the previous election and that new candidates may be reimbursed, retroactively on a proportional basis if they draw more than 5 per cent of the vote.

Proponents argue that this provision keeps the door open to minor-party and new candidates, without encouraging their proliferation.

Critics contend that it may, in fact, encourage such splinter candidates. In an example provided by the sponsors of the legislation, a third-party candidate who draws 10 per cent of the vote, while the major candidates get 46 and 44 per cent, would be entitled to 22 per cent of the major party subsidy—or roughly $4.6 million. The prospect of that kind of subsidy might, critics argue, encourage any number of "10 per cent candidates" to enter the race.

Since the Senate is preoccupied with rhetoric rather than debate, the House is the last hope for sober consideration and careful debate on public financing of elections.

The Senate has short-cut its own system and tried to undermine our rules. But its worst failing is that it has not even looked into the sweeping effects of the Kennedy amendment. Somebody has to do it, and the House is the only one left.

The Senate rhetoric has concentrated on the ability of public financing to clean up elections. There is no purifying magic in public money. We can achieve cleanliness in other ways. If we do not like big contributions, we can set limits. If we want lower spending, set those limits, too. I believe the best reform of all is the creation of an independent elections commission with prosecution and supervisory powers. None of these reforms requires public financing, and none would yield the disastrous side effects of public financing.

Other fundamental questions ignored by the Senate include at least a couple of constitutional questions. Under the Kennedy amendment, one person may contribute hundreds, or even thousands, of dollars in personal time to a candidate he likes, but another person, perhaps aged or handicapped, cannot contribute a single dime to a candidate he likes. That is hardly free speech or equal rights. It surely does not encourage maximum individual participation in elections.

Another constitutional question is whether taxpayers can be forced to underwrite elections of candidates they oppose. The cost is not in question. We would gladly pay for clean, active, fair elections. It is the other consequences, the side effects, that cause concern. A third constitutional question concerns fairness to candidates not from majority parties.

Most people will concede that incumbents have a great advantage in elections. The advantage is natural and legitimate. But the Kennedy amendments will enormously enhance the advantage of incumbents. Who appropriates? Who can veto? Will challengers get enough funds to make a real race? Also, the incentive that public financing provides will increase the number of candidates. The more candidates, the easier for the incumbent to win. No one seems to have examined this tipping of the balance, nor of the advantage to the "celebrity candidate" or the "glamor boy candidate" or the extremist candidate.

Another much overlooked feature is the effect of public financing on a third party, new party or independent candidates. I believe the system would encourage many more candidates, some of whom, by the authors' admission, would get a greater proportion of money than votes. But, unfortunately, the game is rigged. They cannot win.

We often talk about party responsibility and how to increase it. One of the political fundamentals that public financing is likely to destroy is party re-

sponsibility. Candidates who get all their money from the public purse can thumb their noses at their parties. The pitifully small contribution allowed to parties in Presidential elections under the Kennedy amendment may keep the parties alive, but they will be toothless. We need more party responsibility, not less.

Other considerations have been similarly ignored. We do not know the consequences of bureaucratic control of elections. With incumbents appropriating and bureaucrats supervising, will elections belong to the people or to the institution? Will public financing, by creating contests based on "free money" rather than public demand, cause more campaign spending?

It is bad enough that the promotion of public financing has concentrated on cleanliness of campaigns—something we can attain in other ways. But it is much worse that all the serious questions are being avoided or tossed aside. It is up to the House to pursue these questions. We can do it in time for next fall's elections. The important thing is that someone has to do it.

EMBARGO OF SHIPMENTS TO ARAB NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. SHOUP) is recognized for 5 minutes.

Mr. SHOUP. Mr. Speaker, today I have reintroduced along with 13 of my colleagues a bill calling for an embargo on the shipment of agricultural, manufactured, and industrial products to the Arab nations which recently cut off oil shipments to the United States. Recently NBC had a film clip on the Nightly News showing oil well drilling equipment on the docks at Houston being readied for shipment to the Mideast. While this is going on, reported the network, American oil exploration is being slowed down because supplies cannot be obtained in the quantities needed.

Yet oil companies and their publicists, concerned with their many refineries in Europe and elsewhere, continue to tell us that an American embargo would be of no value because the Arabs would simply resupply elsewhere. As was pointed out in my statement with the bill as originally introduced, the central purpose of the proposed embargo is to stop the shipments of goods to those nations which have cut off supplies of raw energy to our production complex since the manufacture of these goods requires the use of much energy.

Congressman PEPPER in joining me on the bill pointed out that if West Europe and Japan would join us, the embargo would undoubtedly be effective in ending the oil cutoff. I join the Congressman in that position but I would go further and in view of the lack of resolve shown by our allies, I would suggest a reevaluation of this Nation's policy and commitments to those nations which so quickly and easily caved in under the Arab pressure. The strong efforts by the distinguished Senate majority leader, MIKE MANSFIELD of Montana, to reduce our European forces now looks more and more like a very good idea whose time may have arrived.

FOR MILLARD FILLMORE, FIRST PRESIDENT OF BUFFALO'S HISTORICAL SOCIETY, A PLACE OF HONOR IN STATUARY HALL

Mr. KEMP. Mr. Speaker, I wish to commend our distinguished colleague from the Land of Lincoln, Mr. FINDLEY, for his initiative to honor the Presidents of the United States who preceded us in the House of Representatives.

Mr. FINDLEY's resolution to provide markers in the floor of one of the most revered and most historic places in our great Capitol, Statuary Hall, is particularly significant to me because I have the honor to represent the people of Erie County, N.Y., where our 13th President, Millard Fillmore, was the first president of the Buffalo Historical Society.

As a cosponsor of the resolution, I can think of no greater tribute than to honor this American President who served his country in the Chamber which echoed with the eloquence of the Great Emancipators, John Quincy Adams, Andrew Johnson, and other giants of American freedom.

Elected from the congressional district I am privileged to serve, Millard Fillmore was courageous and consistent in his defense of the Union and in his efforts to prevent the Civil War.

Born in 1800 on a farm in Locke County, N.Y., President Fillmore began studying for the law at 18 as he taught school to help make ends meet.

He was admitted to the Erie County bar in 1823 and first began his practice in East Aurora, a village I now represent.

He won election to the New York State General Assembly in 1828 and to the U.S. House in 1832. After gaining the chairmanship of the Ways and Means Committee, he was nominated as the running mate of Zachary Taylor in 1848.

Upon his election to the second highest office of the land, Millard Fillmore presided over the Senate with firmness and good humor. After the death of President Taylor on July 9, 1850, he occupied the White House, led our Nation and strived to heal the dissension which eventually led to secession.

When his bid for reelection failed, President Fillmore returned to Buffalo as our city's first citizen. Besides being remembered for his leadership in connection with Buffalo's Historical Society, his name is daily brought to mind in western New York by the Millard Fillmore College at the State University of New York in Buffalo and Fillmore Avenue.

Before his death at 74 in Buffalo, President Fillmore spent the twilight of his life as he had as a young man, practicing the law he had helped formulate, in his State, in the Congress, and as his country's Chief Executive.

Mr. Speaker, I urge the approval of Congressman FINDLEY's resolution.

It was Sir Francis Bacon who observed that "Histories make men wise."

I believe that in the day-to-day rush of events and issues, it is wise for us and our fellows to contemplate those who have preceded us and gone on to guide our Nation's destiny.

TRIBUTE TO JOE CAHILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, I was greatly saddened recently upon learning of the death of a dear friend, Joe Cahill. Joseph M. Cahill, a man of kindness, integrity, and talent, was Sports Information Director at the U.S. Military Academy while I was a cadet. In losing Joe, we have lost one of the finest individuals to be found anywhere.

Joseph Cahill distinguished himself in the sports information area in a very special way. Never has a man been more highly revered for his wisdom and knowledge of sports. It was truly stimulating for all who knew him to witness this terrific personality at work. The depth of his devotion to his task was evident throughout. It was repeatedly proven by the respect given him by the writers and other experts in the field of athletics.

My family joins me in extending to Mrs. Cahill and her family our deepest sympathy.

I am also enclosing two articles which I think illuminate some of the special qualities characteristic of the great friend we have lost:

JOE

(By Dick Young)

Today, I cried for me. Joe Cahill is dead. He is at peace, he is in heaven. The loss is not his, it is mine, for he was my dear friend, my dearest friend. I love Joe Cahill. I always will.

One bright day in 1943, I was sent up to West Point by Charley Hoerten, the sports editor. Army was coming up with some good football players, he had heard, and Red Blaik was putting in the T-formation, for real. He had nibbled with some T-stuff the year before, but mostly it had been just pitchout stuff. Shovel passes, they called it in those days.

I was 26 then, and an Army football practice was a big assignment. That's when I met this Cahill kid. He was 25. He took me in to see Coach Blaik. He took me over to watch the practice, behind flapping canvas walls that had been erected against spies. In those days, Army football was as top secret as the war in Germany.

"That's Glenn Davis," pointed out Joe Cahill. "He can go." Joe Cahill smiled his mile-wide smile.

"That's Doc Blanchard. He's like a tank. He runs over people." Joe Cahill smiled.

Later, he showed me where to file my story, and he smiled, and then we went to get something to eat, and he smiled. "Key ryst," I said to myself, "the original Smiling Irishman. Things can't be that good all the time."

It was no press agent's put-on. The smile was real. It didn't take long to realize that.

"I did some Army football years ago," recalls Lindsey Nelson. "Every time I showed up, I felt like Joe Cahill was waiting just for me."

Lindsey Nelson was mistaken. Joe was waiting just for me. And for Gus Steiger of the Mirror, and for Bob Cooke of the Trib, and Tim Cohane of the Telly. Each of us was sure that. What a gift. What a wonderful, wonderful gift.

TRIBUTE FROM EARL BLAIK

On the wall in the living room of the colonial home off Piermont Road, in Norwood, New Jersey, above the TV set there hangs a photo of Red Blaik, and on it is written: "To Joe Cahill, whose genius in making and keeping friends for West Point varsity sports is not equaled in the college world . . ."

In the college world, or in the pro world, or in the business world. One day, in 1963, Sonny Werblin and his friends took over the mess called the New York Titans. Werblin wanted somebody to change the team's depressing image. He asked around; newspapermen, promoters in other fields.

"Joe Cahill wasn't the name I heard most. It was the only name," remembers Sonny Werblin.

Werblin made an offer he couldn't refuse, and reluctantly, Joe Cahill left his beloved West Point after 20 years.

"It must have been a tough decision for him to make. He loved the place as much as any cadet who graduated from there," Glenn Davis said when we talked on the phone yesterday. He was in Los Angeles, where he is special events director for the L.A. Times.

Doc Blanchard is in a place called Burnett, Texas. He is retired now. He put in his 20 years with the Army air force, and another as Commandant of the New Mexico Military Institute, and now Col. Blanchard and Jody are "just taking it easy in our lakeside home."

"I never met anyone in sports or in the Army who was so unanimously liked as Joe," said Doc. "He did a lot of things for me and all the other cadets, but especially for Glenn and me."

Doc was thinking about the movie. Mr. Inside and Mr. Outside graduated, they cashed in on the fame in Hollywood, a one-shot called "The Spirit of West Point." Joe Cahill was the technical advisor on the film. He also was the guardian of Blanchard and Davis in the Hollywood mantraps. He was more successful where Doc was concerned. Glenn became one of the first burn victims of Elizabeth Taylor, a broken engagement.

GUIDED MR. INSIDE AND MR. OUTSIDE

Blanchard and Davis were two of 31 All-Americans named from Army football teams while Joe Cahill beat the drums high on the Hudson. I'm not saying Joe made them All-America. There were six unbeaten teams in Joe's span, seven ECAC champs, two National champs. Joe didn't make them all-Americans, but he made their life better. When a football player needed a comp to a sellout for a girlfriend, he went to Joe. "It wasn't his responsibility, but he did it," says Glenn Davis.

Just recently, Joe went back to a desk at West Point, and Wednesday morning, while he was sitting there smiling his heart stopped. He was 55, and in my tears and despicable wrath, I ask the eternal question of a bewildering God: Why must Joe Cahill die while all the cruds of the world live?

JOSEPH CAHILL DIES; EX-DIRECTOR OF ARMY SPORTS INFORMATION

(By Al De Santis)

WEST POINT.—The man who pounded the typewriter in the glory days of West Point football, who told of Red Blaik and Doc Blanchard and Glenn Davis and Arnold Galiffa and Lonesome End Bill Carpenter, is dead.

Joseph M. (Joe) Cahill, 55, sports information director from November, 1941, to May, 1963, died of a heart attack Wednesday morning in West Point Hospital.

He had returned to West Point only last August as a special projects officer after serving from May, 1967, to December, 1972, as director of public relations for the F&M Schaefer Brewing Co.

Cahill left his sports information position at Army to work with the New York Jets from May, 1963, to May, 1967, as assistant to the president for public relations.

The fabled Red Blaik, coach from 1941 to 1958, worked closely with Cahill. Via telephone from his home in Palm Desert, Calif., Thanksgiving Day, Blaik, now 76, spoke warmly of his old PR man.

"I never saw a more devoted or dedicated employe anywhere than Joe Cahill," Blaik said. "He did remarkably fine work for the Academy. He was accepted by the writers and his word was gospel.

"His death," Blaik continued, "shocked me. "I first heard of it from Harriet Demarest, who has been in the West Point football office some 40 years, and Dick Young of the New York Daily News."

Army football coach Tom Cahill called his namesake "a great guy, one of the greatest I've met in sports. He did a lot for me during my period of adjustment when I came to Army as Plebe coach in 1959. His death has shocked everyone at West Point."

Bob Kinney, sports information director since 1969, said "Joe Cahill put a professional label on the office of a sports information director. He opened his eyes to the importance of the position; what it meant in the areas of exploitation and public relations. He had a great rapport with all the media, especially in New York City, and got the Army story to the world."

Cahill lived at 295 Piedmont Rd., Norwood, N.J. He is survived by his wife, Helen; a daughter, Joann, and three sons—Joseph M. Jr., Patrick and Daniel.

Friends may call today at the Moritz Funeral Home, Rt. 303, Orangeburg, from 2–5 and 7–9 p.m.

A funeral mass will be held Saturday at 10 a.m. at Immaculate Conception Church, Norwood, followed by burial at Teacedale Cemetery, Highland Falls.

CPA AT DOC

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, continuing with my effort to avoid confusion in relation to the scope of authority for a proposed Consumer Protection Agency, today I wish to insert material from the Department of Commerce.

There are three CPA bills pending before a Government Operations Subcommittee on which I serve—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 under two of them, H.R. 14 and H.R. 21, the CPA would be granted a statutory right to appeal to the courts the final decisions of other agencies, including decisions not to take action as requested by the CPA. Under the Fuqua-Brown bill, on the other hand, the CPA would not be allowed to appeal to the courts the final decisions of other agencies.

The material submitted by the DOC is limited to the more formal proceedings of the Department. It does not list in great detail the many informal activities of the Department in which a CPA would be authorized to take part.

I have previously inserted in the RECORD the replies of several agencies, some of them quite small, which take hundreds of thousands of final actions annually, each of which would be subject to CPA-initiated court appeal under all bills except the Fuqua-Brown bill, H.R. 564.

The DOC response is enlightening in another fashion, however. For, it points up the great number of agencies that will be opened up to CPA participation. My letter to the DOC has elicited responses from seven of the constituent agencies of that Department. Final action of each of these constituent agencies would be subject to court appeal under all but the Fuqua-Brown bill.

This demonstrates the manifold problems we on the subcommittee face in weighing the various provisions in the CPA bills before us. We must try to familiarize ourselves not only with the billions of agency formal proceedings and informal activities engaged in annually, but also with the great number of agencies, each with a different mission, which will be covered by these bills.

Mr. Speaker, in order to give the Members an early appreciation of the scope and importance of these CPA bills, I now include in the RECORD the reply of the General Counsel of the Department of Commerce with the enclosures of three of the seven agencies of that Department:

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., November 19, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in reply to your request for information (proposed in the form of seven specific questions) pertaining to the operations of this Department during 1972 which were affected by certain provisions of Chapter 5 of Title 5, United States Code, relating to administrative procedures. Your letter indicates the information is needed for use in determining the potential impact upon the Department of Commerce expected to result from the advocacy jurisdiction of the independent Consumer Protection Agency proposed in H.R. 14, H.R. 21, and H.R. 564.

In complying with your request, we obtained replies to your specific questions from the appropriate offices and bureaus of the Department. These replies are enclosed, and they appear to be responsive to your request.

Please let us know if we can be of any further assistance to you in this matter.

Sincerely,

KARL E. BAKKE,
General Counsel.

THE ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY AND THE NATIONAL BUREAU OF STANDARDS

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemmaking provisions) were proposed by your agency during calendar year 1972?

Answer: The following proposals were made during the calendar year 1972 subject to 5 U.S.C. 553:

a. Proposed statistical sampling plan for children's sleepwear (37 F.R. 7628, April 18, 1972)

b. Notice of proceedings for the development of an appropriate sampling plan for flammability standards for carpets and rugs (37 F.R. 11079, June 2, 1973)

c. Flammability Standard for Mattresses (37 F.R. 11362, June 7, 1972)

d. Notice of Finding that a flammability

standard may be needed for children's sleepwear covering sizes 7–14 (37 F.R. 11896, June 15, 1972)

e. Notice of Amendment to Flammability Standard to Provide for Sampling Plan for Children's Sleepwear (37 F.R. 14624, July 21, 1972)

f. Correction of Notice of Amendment to Flammability Standard to provide for Sampling Plan for Children's Sleepwear (37 F.R. 19662, September 21, 1972)

g. Notice of Finding that Flammability Standard or Other Regulation May be Needed and Institution of Proceedings for Upholstered Furniture (37 F.R. 95239, November 29, 1972.)

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: None.

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 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: None.

Question 4. What adjudications under any provision of 5 USC 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 USC 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: Hearings held on the Standard for the Flammability of Children's Sleepwear published in the Federal Register on July 29, 1971 (February 24 and 25, 1972).

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: The following are representative activities proposed or initiated during calendar year 1972:

a. Comments and recommendations concerning a proposed consumer information pamphlet on carpets and rugs planned for publication by GSA.

b. Review and comment on environmental legislation, regulations and reports.

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: All final notices of rulemaking as set forth in the answer to question 1 can be appealed to the courts for review.

THE OFFICE OF THE SECRETARY OF COMMERCE, THE ASSISTANT SECRETARY FOR ADMINISTRATION AND CONSTITUENT UNITS, AND THE SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Question 1: None. All actions taken under 5 U.S.C. 553 were either exempted or excepted from the proposal stage.

Question 2: None.

Question 3: None.

Question 4: None.

Question 5: None.

Question 6: Representative public activities of SESA during calendar year 1972 included the taking of various surveys, e.g., of the number of employees in business, their taxable wages, etc., and of distributors' stocks in canned goods. Each such survey was preceded by publication in the Federal Register of a notice of consideration of the survey. Thirty days were allowed for public comment. At the end of this period a decision was reached, after considering all comments, to proceed with the surveys. Notice of each of these decisions was also published in the Federal Register.

Certain other surveys in the manufacturing area, and a monthly survey of current population in which 50,000 households were canvassed, participation being voluntary, were taken, without notice for public comment, after publication in the Federal Register.

Representative activities within the jurisdiction of the Assistant Secretary for Administration, either public or nonpublic, included (1) issuance of orders involving Departmental organization and delegations of authority; (2) changes in rules involving Departmental management, procurement, personnel, property and emergency preparedness; (3) determinations concerning requests for records made under the Freedom of Information Act; (4) determinations concerning administrative tort claims; and (5) decisions of the Departmental Appeals Board.

Question 7: Final administrative actions could be subject to appeal to the courts for review. Typical among these would be final denial of requests for records under the Freedom of Information Act, decisions to close portions of advisory committee meetings under the Federal Advisory Committee Act, adverse personnel actions, awards of contracts, decisions of the Departmental Appeals Board, and decisions on tort claims against the Department of Commerce.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

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: The following proposals were made during calendar year 1972 subject to 5 U.S.C. 553:

a. Adjustment Assistance Regulations were proposed (37 F.R. 3726) on February 18, 1972 and adopted (37 F.R. 11530) on June 8, 1972. The proposed regulations reflected clarification and amplification of substantive and procedural requirements regarding adjustment assistance to firms.

b. A notice of proposed rulemaking was published in the Federal Register for the allocation of 1973 duty free watch quotas among producers located in the Virgin Islands, Guam, and American Samoa (37 F.R. 25062, November 25, 1972).

c. A notice of proposed rulemaking concerning regulations governing the importation of foreign excess property was published in the Federal Register (37 F.R. 27631, December 19, 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: The following proposals were made during calendar year 1972 subject to 5 U.S.C. 556 and 557:

a. Rules for the allocation of 1972 duty free watch quotas among producers located in the Virgin Islands, Guam, and American Samoa were published in the Federal Register (37 F.R. 233, January 7, 1972).

b. Rules for the allocation of 1973 duty free watch quotas among producers located in the Virgin Islands, Guam, and American Samoa were published in the Federal Register (37 F.R. 28768, December 29, 1972).

c. Revised regulations relating to the duty free importation of scientific instruments and apparatus for educational and scientific institutions became effective upon publication in the Federal Register (37 F.R. 3892; 15 C.F.R. 701).

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forefeiture, 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: None.

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: The Office of Export Control[1] on seven occasions recommended to the Bureau of Customs to seize for forfeiture goods about to be exported in violation of United States Export Control Regulations[1] (15 C.F.R. 368 et seq.)

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: The following hearings were held by the Examiners Committees of the Foreign-Trade Zone Board:

a. Public hearing for Little Rock Foreign-Trade Zone Application (37 F.R. 2866, February 8, 1972). Approved for Little Rock (37 F.R. 21461, October 11, 1972).

b. Public hearing for Kansas City Foreign-Trade Zone Application (37 F.R. 15535, August 3, 1972). Approved for Kansas City (38 F.R. 8622–8623, April 4, 1973).

c. Public hearing for Sault Ste. Marie Foreign-Trade Zone Application (37 F.R. 16039, August 9, 1972). Approved for Sault Ste. Marie Foreign-Trade Zone Application (38 F.R. 15671, June 14, 1973).

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: Representative activities proposed or initiated during calendar year 1972 included:

a. Development of Departmental posititon on a variety of legislative, regulatory and rulemaking proposals of other agencies, especially the Environmental Protection Agency and the Federal Power Commission. Formulating Departmental response in these and other areas involves activities such as review of the proposal, informal consultation with industry, discussion with federal agencies and interagency meetings under the direction of the Office of Management and Budget.

b. Planning activities such as overseas trade fairs and trade missions, regional trade development centers, seminars and a variety of other programs designed to increase U.S. exports.

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: All final notices of r··lemaking as set forth in the answer to question 1 could be appealed to the courts for review. Also, orders issued by the Office of Export Control denying persons U.S. export privileges and all final decisions on applications for duty free entry of scientific instruments and apparatus rendered by the Department pursuant to the Educational, Scientific and Cul-

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[1] On October 26, 1973, the "Office of Export Control" was redesignated the "Office of Export Administration," 38 F.R. 30013, October 31, 1973.

tural Materials Importation Act of 1966 (P.L. 89-651) and the regulations issued thereunder (15 C.F.R. 701) could be subject to court appeal.

CRITICIZING THE PLAN FOR OIL EXECUTIVES TO RUN ALLOCATION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, on Wednesday, November 28, Secretary of the Interior Rogers Morton announced that about 250 oil industry executives will be brought into the Federal Government to help administer the Nation's new fuel allocation programs.

Adm. Eli T. Reich—retired—has said that most of these individuals will be asked to join his Office of Petroleum Allocation, which is already overseeing distribution of propane and middle distillate oil, and may soon handle gasoline and home heating fuel as well.

Mr. Speaker, it seems to me that this massive influx of industry executives into the agencies regulating their businesses poses antitrust and conflict-of-interest problems of staggering proportions. The President is asking the House Interstate and Foreign Commerce Committee to exempt these individuals from the relevant legal prohibitions, but I think that Congress must proceed very carefully in this matter, and refuse to be stampeded by the energy shortage we face.

I would like to remind my colleagues that barely 6 months ago, we originated allocation legislation to prevent the major oil companies from manipulating a shortage—which they might well have encouraged—in order to eliminate competition from the independent sector of the petroleum industry. There is now the danger that Secretary Morton's decision might decisively undermine this congressional intent. Congress created a vehicle by which to save the independents, and Secretary Morton now proposes to put major oil company executives in the driver's seat.

We should also remember that the staff of the Federal Trade Commission has formally charged the major oil companies with anticompetitive practices and illegal acts of corporate cooperation. It would be ironic, indeed, if Congress, through hasty and ill-considered consideration of Secretary Morton's proposal, enabled executives from major oil firms to move the base of their illicit operations into the conference rooms of the U.S. Department of the Interior.

Far from inadvertently turning our energy situation into a boon for big oil, Congress has to initiate tough and far-reaching legislation addressed not only to the short-term effects of the current shortage but to its long-term causes. For the present, we should adopt laws requiring the oil companies to develop all their available oil and natural gas, and utilize their full refining capacity. We should compel the companies to adjust their refinery runs so as to produce less gasoline and more distillate oil. We should move immediately to substitute officials of the Department of State for international oil firm executives as America's key negotiators with the Mideast countries over oil. And in the longer run, Mr. Speaker, Congress must take antitrust action to break up the oil "majors" into smaller, more competitive units.

I am convinced that the already existing obstacles to achieving these legislative priorities will be greatly increased if Congress countenances creation of a lobby for the petroleum majors within the Federal bureaucracy. The President and his Secretary of the Interior are now about to create a situation reminiscent of the administration's investigation of Watergate—the culprits are being assigned to police themselves.

Mr. Rawleigh Warner, Jr., chairman of the American Petroleum Institute and president of Mobil, was quoted in the Washington Post as saying:

> This is a highly specialized industry, on the supply side, and a rationing program without people with basic knowledge could be in real trouble.

Mr. Warner's assertion has some validity, but if the allocation program's original goals, the desire to prevent anticompetitive cooperation among the oil majors, and the legislative concerns I have mentioned are not to be imperiled, Congress must attach strict conditions to any sanction it provides in emergency energy legislation for the participation of oil industry officials.

The objective should be to insure that oil executives and their companies in no way benefit from service to this country during the energy crisis. Questions will arise as to which integrated and independent oil retailers receive allocations, which sectors of the economy receive priority supplies, and which integrated and independent refineries receive crude oil. Congress must take steps to insure that these decisions are made in the public interest and not for private gain.

It seems to me that several steps are necessary.

Any immunity Congress grants from antitrust and conflict-of-interest laws must be limited and qualified. Any agency staffed by industry personnel must be required to include officials from both the major and independent oil companies. Congress should insist on the creation of oversight and advisory committees composed of consumer representatives. Congress should consider asking for financial disclosure on the part of those who assume positions in these allocation programs. Representatives of the Antitrust Division of the Justice Department and of the Federal Trade Commission should be empowered to monitor meetings, keep records and transcripts, and, where possible, publicize the results of any Interior Department deliberations involving administrators on loan from private industry.

Congress and the executive branch are asking the American people to conserve energy, modify their styles of living, and endure inflated prices for fuel. Yet, as a general rule, Americans presently do not have a great deal of confidence in their elected officials and they justifiably suspect that large corporations fare all too well in Government proceedings.

We must insure that the administration of allocation programs does not justify such suspicions. In the matter of energy, if the crisis of supply and consumption is compounded by a crisis of trust, then Government will have forfeited the leadership circumstances demand.

PRESIDENT MUST GET SERIOUS ABOUT U.S. ENERGY CRISIS

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, the President has once again faced up to the energy crisis—by creating nothing more than newspaper headlines. He has just reshuffled the bureaucratic deck once again, and come up with William Simon. The more things change, the more they stay the same. I suppose it is too much to hope that by this latest reshuffle the policy confusion and disarray within the administration will be welded at last into a coherent and credible program.

We have seen Mr. Simon in charge of things before. Last spring he appeared before my Subcommittee on Foreign Economic Policy, while he was chairman of the Oil Policy Committee and before Governor Love was brought in to displace him. At that time Mr. Simon said there was no cause for concern about an oil embargo. He also found it impossible to envisage any substantial rise in the price of gasoline. He took the line that we had no real energy crisis. And in response to my repeated questions, Mr. Simon refused to speculate about the long-term research and development efforts that would be necessary to face up to declining energy supplies, taking refuge again and again in the cocoon of supposedly unfolding energy pronouncements to be forthcoming from the White House.

Well, the White House finally acted. They took Mr. Simon out and put Governor Love in. And when that did not work, they played musical chairs again and gave us back Mr. Simon. It is almost too much to believe that the White House really thinks they are fooling anybody with these cosmetic merry-go-rounds, that there can be a substitute for responsibly dealing with the problems.

Mr. Speaker, we face a very serious situation in this country. In our hearings 7 months ago I told Mr. Simon that in my State of Iowa even then we had corn rotting in the streets; schools could not meet; and industries could not operate—all for the lack of a tough-minded and effective energy policy on the part of the administration. He told me in effect to wait, that everything would be taken care of in the President's energy message.

We have now had several energy messages from the President, and today, as everyone knows, the situation is very much worse. But we have what I can only term another coverup by the President, another refusal to face facts and to level with the American people. There are indications of a Department of Commerce projection of average 1974 unemployment between 8 and 14 percent—

roughly twice what the President will admit to. This report is being kept secret. Why? The American people have the courage to face the facts and to deal with them. All they want and expect is similar courage and honesty from their elected officials.

Congress forced an allocation system on the President, and we may have to force rationing on him. Hopefully there are still other and better ways of dealing with severe shortages, but how can we tell if the facts are kept bottled up? As one Congressman who is trying to work with and inform his constituents. I can tell you that the frustration of trying to get straight answers is approaching nightmarish proportions.

Yes, we have an allocation system forced on the President, but there are not enough people manning it to even answer the telephones. My constituents try Kansas City and when they get no answers they try the Office of Oil and Gas in Washington. When that does not work they ask me to try and even I cannot find anyone who is able and willing to assume responsibility.

Mr. Speaker, this morning's news carries a column by Evans and Novak that underscores what I have been saying. It appears that not even the steel industry—the very backbone of our economy—can get an answer from the White House. They need fuel for their Great Lakes tankers and to operate their blast furnaces, and it is this industry that supplies the energy industry with equipment for fuel production and transportation and processing. Yet their pleas for consideration have gone unanswered for 3 full weeks, with the result that massive and perhaps totally unnecessary layoffs and steel production curtailments are now imminently in prospect.

I include this column, entitled "Energy Questions: No Answers From the White House," to be printed in the RECORD at the close of my remarks.

The excuse for this remarkable inaction appears to be that the people would suspect a political payoff if the President gave any special attention to the steel industry. If ever there was a display of siege mentality, this is it at its very worst. Mr. Speaker, I repeat, the people may be horror-struck by Watergate, but they have not been paralyzed in their capacity to respond to honest leadership or to make needed sacrifices for the general welfare. This weekend I was distressed to learn that so many constituents remain uncertain that there is any genuine crisis; however, it is tragically understandable given the confusing and conflicting statements by countless administration spokesmen on the subject. If the President cannot provide the needed leadership, then it is our responsibility in Congress to do so up to the limits of our ability to obtain and make public the true facts.

Last spring I told Mr. Simon it was imperative for the administration to alert the 200 million people in this Nation to the hard factual realities of the energy crisis in all its many dimensions. He responded that the President would do so, and I told him I was looking forward to the opportunity of talking with him again after the President's message. Shortly after that he was effectively displaced, but now—wonder of wonders—he is back in charge. I believe that he and the administration owe not only this Member, but all Americans, answers to the multitude of questions left unanswered and unattended since his last appearance.

The above-mentioned article follows:

[From the Washington Post, Dec. 3, 1973]

ENERGY QUESTIONS: NO ANSWERS FROM THE WHITE HOUSE

(By Rowland Evans and Robert Novak)

The bureaucratic nightmare now surrounding the Nixon administration's frenetic energy program threatens economic repercussions of grave potential impact around the country, where serious men of business and industry simply cannot get answers from the White House.

Partly for that reason, lay-offs and production cut-backs are proceeding at a pace largely concealed from the public and, it seems, pointedly ignored by the White House. Thus, one secret but well-placed economic forecast in the Department of Commerce now projects average unemployment for 1974 at between 8 and 14 per cent—almost twice the public projection of the Council of Economic Advisers—assuming continuation of the Arab oil embargo.

A key case in point is the giant steel industry. One major steel company (in the industry's top five) last week started the odious chore of going through lengthy "manning" tables of employees to prepare for possible massive lay-offs in the next few weeks.

The reason: With no clear signal from the White House, the Interior Department's Office of Petroleum Allocations or any other office of experts in the multi-layered energy program, neither this particular steel company nor any other had the faintest idea as we wrote this how much fuel would be allocated to it in the oil-short months ahead.

No less a figure than Treasury Secretary George Shultz has quietly dropped hints to several steel industry titans that President Nixon seems in no mood to risk political reprisals by giving big steel a high fuel-oil priority

"George is honest about the way the White House is thinking these days," one steel man told us. "He's saying that public sensitivity to big steel is so high that the voters would never accept special favors for steel at the expense of cold homes."

If true, that candid appraisal could spell even greater disaster for the U.S. economy in the months ahead than the economic recession which virtually all economists, both in and outside the government, seem generally agreed is unavoidable. Because steel, however opprobrious in the eyes of the public, is probably more important than any other single industry in Mr. Nixon's effort to achieve "Project Independence"—the 1980 goal of domestic energy sufficiency. It makes drilling equipment, now in short supply, tank cars, refineries and everything else needed to ease the energy shortage.

Big steel presented a fairly reasoned argument to the White House for special priority in fuel oil supplies on Nov. 12, sending a nine-page fact sheet, with projections into the next 12 months, to the President's energy adviser, John Love.

"Love knows exactly how serious this matter is," one steel expert told us, "but his hands are tied. He is allowed to take two steps forward, then someone tells him to take two steps back." Hence, the result: until last Friday afternoon, not a single word of reaction to the nine-page memorandum appealing for priority treatment.

In short, perhaps partly as a result of Watergate preoccupation, the President has allowed three weeks to slip by without giving big steel an inkling of where it may stand in the crucial matter of fuel oil. Last Friday, Mr. Nixon finally assembled Love's Energy Emergency Action group in Cabinet room and presided over a lengthy meeting centered on the critical fuel-oil allocation program for such huge and basic industries as steel.

If the politics-as-usual mood (plus the tragic mistake of the beleaguered White House to make the energy crisis appear far less dangerous than the cataclysm it really is) persuades Mr. Nixon not to give priority to big steel to placate the voting public, the course of "Project Independence" will be rough, indeed.

That the President is thinking about naming William Simon, under secretary of the Treasury, to run a new energy administration offers a glimmer of hope. Simon understands, if the White House does not, that the comfortable, profligate use of energy has ended, probably permanently, with the change threatening vast economic and cultural problems.

Big Steel must soon get decisions from Washington or start drastic layoffs with volatile repercussions throughout the economy.

THE AUDIT BILL SHOULD BE DEBATED AND VOTED ON

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

Mr. PATMAN. Mr. Speaker, each of the 435 Members of the House of Representatives are elected by their constituents and they should have the right to vote for or against legislation which has been properly reported by a committee of the House.

Yet, we have not had a vote on H.R. 10265, a bill to require a full-scale audit of the Federal Reserve System by the General Accounting Office. This legislation was reported on a 21-to-8 vote on October 4 by the House Banking and Currency Committee.

Mr. Speaker, I sincerely hope that the Members of the House do not adjourn this 1st session of the 93d Congress without allowing a vote on this very vital issue. This sentiment, I feel, is shared by a great majority of the people and I am placing in the RECORD an editorial from the Commercial & Financial Chronicle which supports this position:

[From the Commercial & Financial Chronicle, Nov. 5, 1973]

THE BILL SHOULD BE DEBATED

In these days of Watergate, when secrecy and powerful selfserving special interests are under deserved attack, it is hard to understand why the House Rules Committee bottled up a House Banking and Currency bill (H.R. 10265) that would have given the General Accounting Office unrestricted authority to audit the Federal Reserve System.

What is involved is a basic issue that should at least be reviewed by the full House in open debate, not consigned to the legislative dungeon of the Rules Committee.

In opposing the bill during hearings held by the House Banking and Currency Committee, Arthur F. Burns, chairman of the Federal Reserve Board said that the central bank was being audited already by "independent" public accounting firms.

That may be true, but those firms are hired by the Federal Reserve and paid by the Federal Reserve. As everybody knows by now the independence of some accounting firms is a

myth, and thus the Federal Reserve argument is vulnerable.

The real issue, of course, is the independence of the Federal Reserve itself, not of the accounting firms, since a GAO audit would mean authority "to review and evaluate all aspects of Federal Reserve activities," as it was phrased by George W. Mitchell, vice chairman of the Board of Governors of the Federal Reserve.

Increasingly, that right to independence, as granted by the Federal Reserve Act, is coming under attack for reasons that are well known, but in the light of Watergate and influence peddling in government, are more pertinent than ever.

The Federal Reserve operates in an atmosphere of extraordinary secrecy and mystique, and accounts for its actions to hardly anyone. This alone galls those who say there is no place in a democracy for a department of government that does not respond to the economic programs of elected officials.

Just as pertinent is the charge that the Federal Reserve acts for and represents the big money interests and industrial interests of the nation.

One of the Federal Reserve's very own board members, Andrew Brimmer, has in fact developed figures that support this charge. The figures show, among other things, that 75 percent of the 260 directors of Federal Reserve banks are men with careers based in banking and manufacturing, especially in big banking and big manufacturing. A study made elsewhere shows too, that for more than two decades not a single director came from such activities as labor unions or from among groups associated with consumer interests, though the Federal Reserve Act specifically directs that one group of directors be "public interest" directors.

In the light of such charges surely the bill that emerged from the House Banking and Currency Committee deserves to be debated in the full House.

One reason, perhaps the most important, that it was not was some extraordinary lobbying by the Federal Reserve's Arthur Burns, chairman, and others in banking. Five members of the Rules Committee who had been sympathetic toward giving the full House a chance at the bill, wilted under the pressure. Said one observer close to it all, "It looked like all the gnomes of Zurich were there."

CALIFORNIA SELECTIVE SERVICE HEADQUARTERS DISTORTS CONGRESSIONAL MANDATES

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

Mr. DELLUMS. Mr. Speaker, I would like to bring to the attention of Congress a report produced by members of my staff dealing with administration of the alternate service program of the California Selective Service System.

During the course of the past several months, my staff has been actively involved in attempting to resolve alleged processing errors committed by the California State Headquarters against registrants who are presently serving their 2-year alternate service obligation in California. I have received numerous requests for assistance in this vein and have consequently requested of the California Headquarters of the Selective Service System, access to the file of the requesting registrants. In each instance I have submitted authorization for release of information, signed by the registrant. This is the standard form used by my office for release of military, selective service and civilian medical records.

The following report outlines the basic problems that they have uncovered in the course of the administrative work done in my office. The outline highlights the area which we believe fosters inequities in the administration of the program, transgresses the spirit and intent of the Selective Service Act of 1971, as amended, directly violates procedures of the "Regulations and the Registrants Processing Manual" and which violates the spirit and intent of other governing statutes.

Of principal concern is the fact that State headquarters personnel have taken upon themselves some of the authority vested in the National Director. The legislative history of the Selective Service Act of 1971 clearly indicates the Congress' intent to insure that the Director of Selective Service had personal control over administration of the program. While the National Director, in the interest of effective administration, has given State directors the duty of directly administering the program, he still retains sole authority to pass regulations regarding administration of the program. As explained in this report, this is our principal concern. It is the violation of this principle by State headquarters, which is the basis for most of the inequities of the program.

It should be noted that the California headquarters is in all likelihood prepared to dispute the contents of this report. If, however, I were not convinced of the accuracy of the assertions herein, I would not bring it to the attention of this body.

I am presenting a copy of this report to Mr. Byron Pepitone, National Director of the Selective Service System, so that he can take appropriate action by his office to see that these injustices and inequities are corrected immediately. If this is not done, I will call upon the appropriate committees in the House and Senate to exercise their oversight functions. At the time the Selective Service Act of 1971 was being considered, the Administrative Practices and Procedures Subcommittee of the Senate Judiciary Committee expressed concern that many of the violations contained in this report of the administration of the alternative service program in California would occur. Their fears were well founded.

The report follows:

REPORT ON ALTERNATE SERVICE PROGRAM OF THE CALIFORNIA SELECTIVE SERVICE SYSTEM

I. LEVI AGAINST TARR

In the case of *Levi v. Tarr*, 343 F. Supp. 1120 (N.D. Cal. 1972), the Honorable Judge Zirpoli ordered the Selective Service System (specifically Mr. Curtis Tarr, the National Director of Selective Service, and Mr. Carlos Ogden, California State Director) to "forthwith cancel any work orders issued to members of the plaintiff class after the last date that similarly situated registrants classified I-A and I-A-O were issued orders to report for induction and shall forthwith place the members of the plaintiff class into the 1972 Second Priority Selection Group (SPSG)." (5 SSLR 3527) In conformity with the order of the court, then Acting Director Byron V. Pepitone issued Temporary Instruction 660-4 (July 13, 1972). (SSLR 2600:103) In the pertinent part, he ordered as follows: That all registrants similarly situated, as per *Levi v. Tarr*, have their orders cancelled (2(a)); that each registrant then be assigned to the SPSG (2(b)); that each registrant so situated "be informed in writing that he is no longer required to perform alternate service work" (3(A)); that " each registrant who has left his alternate service assignment shall be informed in writing that he is not required to perform alternate service" (3(B)); and that registrants choosing not to return to or continue their alternate service be assigned a classification in Class I-H (3(c)). In paragraph six (6), Mr. Pepitone states that "The actions described in paragraphs 2 and 3 will be accomplished before October 1, 1972."

In the course of the past several months, it has become apparent to us that there was a failure to comply properly with this order on the part of California Headquarters personnel. We have direct evidence that individuals performing work as I-Ws, who were eligible for such notification, in fact received notification months after the deadline promulgated in TI 660-4, and only after pressure was applied by the registrant, his legal counsel, a Member of Congress or some other interested representative. Specifically, we have evidence that correspondence, as per TI 660-4, was not sent to some registrants until April 2, 1973, April 12, 1973, June 22, 1973 (in this instance the date of release from service), and June 25, 1973. (See Appendices A-1, A-2, A-3, and A-4.) We also have indications from the Central Committee on Conscientious Objectors that they are aware of at least four other registrants similarly situated.

It should be pointed out that in spite of the large number of files that the Alternate Service Program must administer, there is a system within the SSS which, if utilized, should have allowed for the very prompt identification of all those registrants covered under the *Levi* ruling, as well as under TI 660-4. We specifically refer to SSS Forms 397 and 398 (the Alternate Service Control Card and the I-W Control Card, respectively). (See Appendices A-5 and A-6.) These forms provide identifying information as to the date the order to report was issued, and the location of the registrant. It must be assumed that had California Headquarters personnel been seriously interested in complying with the order of the court, there should have been no difficulty in first identifying registrants within the class of the court order, and their present location in order that the information concerning their adjusted status could be rendered to them. That the Headquarters personnel so haltingly complied with this court order we believe reflects a basic pattern of inequity in administering the Alternate Service Program.

In addition to the untimely delays in complying with the court order, the message that was ultimately communicated to the registrants in the eligible class was ambiguous and misleading. In his Form 531, the State Director of the California Headquarters fails to inform in an unambiguous manner that these men are released from their present alternate service commitment, and fails entirely to inform any registrant that if they have completed alternate service in excess of 180 days, that they are eligible for classification in Class 4-W, as per RPM 660.12 and 660.13. Instead, in all communications the registrant is informed that he is still eligible for service liability and he must make a decision as per Attachment 531 as to whether he will accept a I-H classification (SPSG) or continue in his present employment. (See Appendices A-1 through A-4, A-7, A-12, and A-13.)

In addition to the problems cited above, it should be pointed out here that the very act of classifying members of the *Levi* class was handled inconsistently. On July 27, 1973, State Headquarters personnel wrote to a registrant who had served 404 days of qualified alternate service and informed him that he

could not be granted a 4–W under RPM 660.12. Only the day before the same State Headquarters had written to another registrant, who was similarly situated by having served 489 days, and informed him that he would be granted a 4–W. (See Appendices A–8 and A–9.) It should also be noted that RPM 660.12 clearly indicates that a registrant with 6 months (180 days) of qualified alternate service time, who is released for hardship, medical disqualification, or "other bona fide" reasons, should be processed according to RPM 660.13 (i.e., granted a 4–W).

In addition, and realizing the possibility that there are still individuals serving their alternate service who are unaware that their reporting date places them in the eligible class, State Headquarters personnel have consistently refused to abide by the ruling of *Levi v. Tarr*. We cite in particular an exchange of correspondence between a registrant, Michael Anthenien, Mr. Bowles and Mr. McCann concerning the relationship between Forms 153, 155 and 252 (a matter ruled upon in *Levi*). In his decision, Judge Zirpoli clearly articulated the correlation between SSS Forms 153 and 252. As is evident in his letter (Appendix A–10), Mr. McCann ignores the ruling of the court and asserts that the comparable forms are SSS Forms 155 and 252. It would be too cumbersome to entertain here the legal rationale of the court, and the General Counsel of the Selective Service System. Suffice it to say that this is an important distinction, affecting the processing of countless registrants. Hopefully the findings of the court for the Northern District of California, the District Court for the District of Columbia, and finally the letter composed by the General Counsel (Appendix A–11) will be followed by State Headquarters personnel.

In conclusion then, we have found that State Headquarters personnel haltingly addressed themselves to the order of the court and to Temporary Instruction 660–4. In so doing, it inequitably bound over at least eight individuals who should have been released from alternate service. Adding insult to this initial injury, the information to date suggests that State Headquarters personnel persist in their position that individuals who have served more than the 180 days indicated in the RPM are not eligible for a 4–W classification. Instead, the introduction of Form 531 is viewed here as an attempt to persuade the registrant to volunteer to continue his alternate service assignment under the threat of a continuing obligation to render services already fulfilled.

II. PROMULGATION OF REGULATIONS

32 C.F.R. 1660.1 provides for the responsibility for administration of the Alternate Service Program. It says, in pertinent part:

"(a) The State director, under the supervision of the Director will assure compliance with the law, the regulations, and Selective Service policy concerning the program of alternate service for registrants who have been classified in class I–O."

While there is much other language concerning specific functions for which the State director has responsibility, there is no citation which allows for the promulgation of regulations or deviations from or extenuations to the regulations by a State director or his designated representatives.

It should be noted that the basis for this is to be found clearly in the Military Selective Service Act, and the reports of the various Committees of jurisdiction in the House and the Senate, as well as the Conference Committee report. The concern in all of these reports was that the National Director have responsibility for the administration of the program, in order that it would be administered on a national basis instead of by the whims of the various State directors.

It is apparent that the personnel of State Headquarters have promulgated regulations which affect registrants only in California, thus precluding the possibility of nationwide continuity in administering the performance of conscientious objectors in class I–W. In addition, there are questions of prepublication of these regulations that need to be addressed. The issuance of Forms 347 and 419 serve as the basis for these regulations, so we will address only the questions raised by the promulgation of these forms.

We have seen two copies of Form 347: those copies issued on November 13, 1972 and September 17, 1973 (Appendices B–1 and B–2). In addition, we have seen copies of Form 419 (Appendix B–4). Although the previous Form 347 has much more abusive language than the most recent one, we will deal with the provisions of Form 347 promulgated on September 17, 1973, as it is now the governing form.

Contained in all of these forms are regulations which provide additional limitations on the placement of alternate service registrants and their responsibilities while performing. There is nowhere found in the appropriate sections of 32 C.F.R. 1660.5, 1660.6, 1660.7 and 1660.8, nor in the appropriate sections of RPM 660.1, 660,2, 660.7, 660.8 and 660.9, any indication that the National Director has abdicated unto the States any authority to promulgate additional regulations in order to insure the smooth operation of the alternate service program in that state.

In spite of this fact, California Headquarters personnel have issued in Form 347 regulations which state that the registrant must be assigned to work on a regular schedule (4); that the days and shift hours must be established by the employer in advance (4); that the registrant must perform work at the location where the employer conducts his operations (4); that he must receive job supervision on a daily basis from a full-time staff employee of the assigned organization (5); and that the supervisor cannot be another conscientious objector who is assigned to perform alternate service (5).

Under a section entitled Transfer of Assignment the State director has declared that the following conditions must be met in order to submit a request for transfer: You should have worked a minimum of six months on your present job (1). Your proposed job should provide remuneration of at least sustenance level (2). Your proposed job should be outside of commuting distance from your home of record (3).

While there are many other declarations within this form, these in our opinion appear to be those which most seriously compromise the continuity of the administration of the Alternate Service Program nationwide. It should be pointed out here, anticipating an argument that the RPM does not provide for all circumstances, that in a survey of responding State directors across the nation, the Central Committee for Conscientious Objectors found no instances in which a State director felt compelled to promulgate additional administrative guidelines on any subject area, nor use forms not provided for by the National Headquarters. All indicated that they used the directives outlined in the RPM exclusively.

We believe that the registrants' rights are violated by the use of such regulations in the following ways.

Paragraph 4: These provisions do not reflect the growing diversity of job schedules which are making their presence in the national economy. It particularly eliminates the possibility of a conscientious objector working in an institution which encourages house calls, field work, outreach and other aspects of its program which have become recognized administrative techniques. This regulation thus discriminates against those employers who do not meet these arbitrary guidelines, and against registrants whose skills or special talents lead them most naturally into outreach type programs.

Paragraph 5: The mandatory requirement for one full-time supervisor unnecessarily and arbitrarily discriminates against those agencies which have adopted advanced administrative techniques which utilize part-time employees. (It should be noted by way of example that the Berkeley City Council recently passed legislation allowing for all employees to choose to work on a part-time basis if so elected. This provision would rule out the possibility of a CO working in an otherwise approvable job.)

In addition, this section unnecessarily discriminates against the CO who, by way of his professional competence, excels and would otherwise be placed in a supervisorial position. Finally, in direct contradiction to Colonel Maxwell O. Jensen's letter of September 9, 1971 (Appendix B–3), stating that "Conscientious objectors employed in civilian work in lieu of induction may not be discriminated against by reason of their conscientious objector status. They are to receive the same pay and promotional opportunities of other employees performing the same type of work . . ." This discrimination cuts two ways: against the conscientious objector supervisor, who is in a position to supervise other conscientious objector employees, and against the CO employee, who would be so supervised except for his conscientious objector status. In addition, promotional opportunities become clearly limited by this regulation.

Evidence of this policy is to be found in Appendix B–7. In that letter, one of the reasons that Major McCann denied placement at the Sunjammer, Los Gatos Switchboard was that "we have a policy against assigning a conscientious objector to an alternate service job where he would be supervised by another conscientious objector also performing alternate service." As a tangent, it should be noted the differing positions presented in Appendices B–8 and B–7.

The following points need to be made about the Transfer section:

Paragraph 1 establishes a fixed time of service necessary before the State Headquarters personnel will consider a transfer. While this may or may not be desirable, the important fact is that there is nowhere to be found in the governing regulations a provision of this nature (cf, 32 C.F.R. 1660.9(d) and RPM 660.8(9) respectively).

Paragraph 2 has no subtention in either the Code or the RPM (supra), and in fact directly contradicts a statement on Page 1 of the same form which intimates that nonremunerative alternate service will be considered as potentially acceptable. In pertinent part of Form 347: "This provision applies equally whether you are paid for your services or whether you work without pay." (3).

Paragraph 3 establishes a criterion which is in direct contradiction to the language of the Code (32 C.F.R. 1660.6(5)) as well as the RPM (RPM 660.8(2)(3)). The language here states that a registrant shall work outside his community of residence, not outside of commuting distance from his home. (cf, Appendix D–5)

There are many other provisions of this document, as well as Form 419 which is furnished to employers, which are equally arbitrary but apparently less constricting. Pertinent to our contention that these regulations are promulgated improperly and illegally are letters written to you from attorneys for I–W registrants. (Appendices B–5 and B–6)

"Congressman, it is plain that the California State Director has a bundle of illegally issued alternative service orders on his hands. The injustice to the young men involved is plain, and the matter should be resolved at the earliest possible time." (See Appendix B–5.)

III. INEQUITABLE ADMINISTRATION

A. Investigations

32 C.F.R. 1660.9(b) and RPM 660.11(2) clearly outline the procedure to be employed in determining whether or not a registrant is to be considered at fault when he has been terminated or terminates himself from alternate service employment. It has been our experience in reviewing the action taken against a number of alternate service registrants that this procedure has not been pursued and that in fact several steps have been promulgated by the State Headquarters personnel which both ignore the established regulations and which possibly violate the safeguards established in the Fifth Amendment to the Constitution, specifically the prohibition against self-incrimination.

In the attached copies of documents taken directly from alternate service files, there is a clear pattern of correspondence which indicates that State Headquarters personnel have found individuals in violation of the law prior to the conducting of any investigation as outlined in the provisions above mentioned. (See Appendices C–1 through C–10 and cf B–1.) In addition in number (7) of Form 347 (Cal. Hdqts. Form) the registrant is told that he must proffer an explanation as to his termination, while the regulations specifically state that it is the headquarters which has the obligation to contact the employer for such a statement, forward said statement to the registrant and then allow the registrant an opportunity to respond.

As a caveat to the general trend shown in the above cited appendices, the case of one registrant (see Appendices C–11, 11A, 11B, and 11C) shows clearly that the rights of the registrant have been abused. In a matter investigated by the National Headquarters, the registrant was found to have not been at fault in the termination of his employment, and this finding was being sent to the California State Headquarters to become a permanent part of the man's record. According to regulations, he should have been credited for time between jobs, given the fact that he was found not at fault. In spite of the findings of the National Headquarters, State Headquarters personnel took it upon themselves to deny this man the time between jobs. This denial was contrary to regulations, and clearly overturned the decision of National Headquarters.

It should also be noted that a review of the correspondence attached hereto indicates a clearly threatening posture assumed by the California Headquarters personnel. Their insinuations that a registrant is subject to immediate arrest by the Federal Bureau of Investigation are without foundation (see Appendix C–12) and must then be viewed as a design to force the registrant to resume his alternate service placement. While it may be desirable to return the registrant to his work, this procedure clouds over the possibility that there were significant and real reasons why the registrant was forced to leave his alternate service placement.

We believe that the documentation attached hereto speaks quite clearly to the points raised above. It is our belief that the State Headquarters position is overly threatening. It is clear that these threats are not founded upon the law, regulations or procedures and thus are without foundation. It is interesting to note that when pressed to conduct a proper investigation (see Appendix C–13), the State Headquarters personnel complied with the law, thus showing that they had no contention with the proper procedures. There has been some recent modification of the threatening tone of the letters emanating from State Headquarters personnel, but the basic violation of the rules of procedure persists.

B. Requests for transfer and location of job

Many conscientious objectors believe that their requests for transfer to other alternate service jobs have been handled capriciously, and that decisions rendered were frequently made without proper basis for action. This was felt to be particularly true when such requests involved terminations of their employment with the Ecology Corps. In the course of reviewing many of the alternate service files, we have concluded that in fact the handling of transfers in the State is arbitrary, that often decisions are made with reference to the very illegal regulations cited above, and not infrequently, that exceptions are made on the basis of personal whim or political pressure.

Appendix D–1 represents a case which incorporates many of the worst features of the decision making process of State Headquarters personnel. This particular registrant was denied a transfer for a number of reasons. The first was because his prospective employer did not have a "non-profit tax exempt status which is required to qualify as a participating employer." The second was that State headquarters "[has] discontinued approving new organizations as employers because of the large number of qualified employers we already have participating in the system." The third was that they were hesitant to assign him to a voluntary position when they had paid positions available.

Several points need to be raised about this particular case and the contentions of the State Headquarters personnel.

1. The regulations at 32 C.F.R. 1660.5 (c) clearly state that an employer need not be a non-profit organization, much less a non-profit organization *with* tax exempt status.

"Employment in an activity of an organization, association, or corporation which is either charitable in nature performed for the benefit of the general public or is for the improvement of the public health, or welfare, including educational and scientific activities in support thereof, and when such activity or program is not for profit."

Major McCann can only be assumed to be referring to subsection (b) of 1660.5 which allows for employment in non-profit organizations, but which in no way restricts employment to such agencies nor demands that such agency have a special tax exempt status.

2. The second point is clearly arbitrary, and certainly in contradiction to the stated role of the State director as outlined at RPM 660.2(6).

"A plan should be developed for a continuing program of contacts with eligible employers in order to secure additional job space."

3. There is no indication that voluntary positions should be dealt with differently from paid positions. While it might be noted that State Headquarters personnel maintain that they have had difficulties with voluntary job placements, this should not be an automatic bar to such placement.

Finally, it should be noted that in spite of the State Headquarters' contention that they have approximately 1,000 job placements available throughout the State (see Appendix D–2), they elected to place this registrant into the Ecology Corps, rather than in a placement which recognized the expressed interests of the registrant.

In Appendices D–3, D–4 and D–5, the entire issue of the appropriateness of State Headquarters personnel's interpretation concerning job location is called into question. Here they informed registrants that they were ineligible for transfer to jobs within commuting distance of their home. State Headquarters personnel at one point indicate that a distance of 100 miles is the minimum for consideration.

32 C.F.R. 1660.6(a)(5) indicates clearly that the only restriction for a registrant in terms of location is that it not be within his community of residence. The identical language is used in the RPM. It should be further noted that the concluding paragraph of 1660.6 states that a State director can ignore the requirement of a registrant not working in his community of residence if the national interest is served. Of particular concern is the contention of one member of State Headquarters that "it is national policy at this time to disapprove requests to be assigned to alternate service jobs within commuting distance of the registrant's home town." This is a blatant distortion of the provisions of the Code and the RPM, and clearly impairs the rights of the registrant. In all indices then, the regulations clearly do not provide for denial of transfer on this basis.

In Appendices D–5 and D–6 the issue of the State Headquarters personnel establishing priorities of the national interest is clearly laid out. There is no provision in the Regulations or the RPM which provides for the State director to make a decision on the basis of competing national interest. There is certainly no provision which gives priority to the already established job, as is indicated in the notation of March 5, 1973. As a caveat to this, it should be noted that Mr. Wagner's letter (see Appendix D–7) clearly disputes the rationale of the State Headquarters personnel.

In Appendices D–5 and D–8 the position of the State Headquarters with respect to the amount of time which should be served by a registrant is clearly recorded. There is no citation to be found in the section governing transfers (RPM 660.9(8)) that registrant must serve six months on the job he was assigned to. While it may be good policy to establish such a procedure, the application of this provision is not established in the RPM and is therefore invalid.

In addition to application of this invalid regulation, it would appear from Mr. Kirton's letter of June 10, 1973 (see Appendix D–9) that the State Headquarters personnel are not even equitably and consistently applying their own regulations.

The tone of this letter indicates that several conscientious objectors who have served their six months indicated that they were desirous of transfer and were denied. It must be assumed that this denial falls back on the "fire season" argument. (cf, Appendix D–7) It bears mention here however, that in May of 1971, Major McCann stated quite clearly that many registrants would be transferred from the Ecology Corps because of hardship situations, family situations or an inability to perform the work. He insinuated that in order to better utilize the particular "education [sic] skills or talents" of registrants they might also be transferred (see Appendix D–10).

Appendices D–11 and D–12 indicate a position that is also not reflected in the above cited provision governing transfers; namely, that the registrant must have the approval of his employer to secure a transfer. It should be noted that in this particular case, such a statement had been in the registrant's file for a month preceding the letter outlining this position.

Appendix D–13 clearly shows the prejudicial nature of the State Headquarters' "administrative regulations." Here a job which allowed the CO to serve in a supervisory classification was denied. (See section on promulgation of regulations for a more complete discussion of the problem cited here.)

Appendices D–14 and D–14 (a-h) represent a travesty in our opinion, and speak for themselves. Why in the world the personnel at State Headquarters did not more expeditiously approve a transfer to a location in close proximity to this man's father can only be guessed at. The fact is that a period of several months transpired in spite of the numerous appeals of this man's family and friends.

C. Medical procedure irregularities

In the course of our administrative work, it has become apparent to us that State Headquarters personnel, who are neither physicians, members of the Medical Corps, nor members of the Medical Service Corps, are making decisions about the medical con-

ditions of I-W registrants. There are specific regulations which govern the processing of information relative to the physiological or psychological health of registrants, and which thus relieve the members of a State Headquarters from any obligation or authority to make medical determinations. The role of State Headquarters personnel is simply to pursue proper administrative classification of an individual, in the light of information presented to that Headquarters by an Armed Forces Entrance and Examining Station. (See Appendices E-1 through E-4, E-18 through E-21, E-40 and 41, E-44 through E-46, E-51 and E-52, E-57 through E-60, E-65 through E-67, E-69 through E-75, E-80, E-82 through E-84, E-95 through E-97, E-101 through E-104, E-113, E-117 through E-123, E-125, E-129 through E-131, E-134, E-138 through E-142, E-146 through E-150, E-164 and E-165.)

The practice of making essentially medical decisions is in direct violation of Federal statute, Regulations and repeated statements of "national policy" issued by the National Director's office to Members of Congress and the public at large. Since the regulations provide for processing medical claims, there is no reason or justification for State Headquarters personnel to presume to make such decisions. (See Appendices E-22, E-40, E-57 through E-60, E-65 and E-66, E-73 through E-75, E-123, E-158, E-159 through E-165.)

Many civilan doctors have been approached be members of the State Headquarters staff regarding their diagnosis. In these contacts, physicians are generally initially unaware that they are talking with military officers who are not medically trained or qualified.

Their presumption is that any individual who would be contacting them about the physical or mental health of their patients is also a physician who shares their concern for the health and well being of the person under discussion. Many physicians have been shocked to learn that non-medical personnel are making decisions which affect the very lives and mental stability of their clients, on the basis of medical information which they might not understand nor appreciate. (See Appendices E-44 through E-46, E-57 through E-60, and E-73 through E-75.)

It has been our experience that requests by I-W registrants, and/or their authorized representatives, for AFEES physical examinations are regularly delayed and ignored for months even when such requests are accompanied by several items of medical documentation. In particular, we have seen unconscionable delays in the processing of AFEES physicals, as well as outright denials for physicals, when the State Headquarters personnel have determined that the registrant is in an "AWOL" status. This practice is contrary to Selective Service policy, which states that a registrant will be submitted for an AFEES examination upon receipt of medical documentation. (See particularly Appendix E-158.) Needless to say, unnecessary trauma is caused the registrant by these unnecessary delays in the processing of his claim. (See Appendices E-1 through E-3, E-26, E-28 through E-34, E-44 through E-46, E-55 and E-56, E-69 through E-71, E-73 through E-75, E-100, E-113, E-124 through E-128, E-134 and E-135, E-158 through E-162.)

Apparently only Congressional and Senatorial "intervention" in each particular case brings any response or action. It is unfortunate that any outside pressure should have to be brought to bear upon a system which has clearly outlined procedures for handling the processing of medical claims. (See Appendices E-16 and E-17, E-23, E-25, E-27, E-40, E-53 and E-54, E-55, E-61 through E-64, E-81, E-93 and E-94, E-99, E-124.)

It is apparent that State Headquarters personnel are undertaking the responsibility to directly analyze written evaluations and reports from psychiatrists and other medical specialists relating to the condition of I-W registrants. In so doing, State Headquarters personnel are not allowing the registrants to have recourse to qualified medical advisors, as per regulation (see Appendices E-12 and E-13, E-37 through E-41, E-44 through E-46, E-73 through E-75, E-80, E-91 and E-92, E-98, E-101 through E-104, E-110, E-113, E-125, E-129 through E-131, E-146 through E-150, E-158, E-164 and E-165).

Even when some referral or information, findings or opinions are requested by State Headquarters personnel, such information is not placed in the registrant's file. (See Appendices E-37 through E-41, E-44 through E-49, E-57 through E-60, E-113, E-65 through E-67, E-74 and E-75, E-77 through E-80, E-91 and E-92, E-101 through E-104, E-125, E-146 through E-150, and E-158.)

We have evidence that State Headquarters administrative staff are contacting civilian doctors concerning their professional evaluations. They also appear to be releasing information concerning the registrant's physical or mental condition, when they themselves are not Medical Corps, Medical Service Corps, or civilian medical advisors to the Selective Service System. This attempt to compromise the opinion of a medical professional, rather than simply forward the information to qualified military physicians for their opinion is a most serious abridgement of the procedures. (See Appendices E-74, E-75.)

In order to point out the inequity worked on registrants by having non-medical administrative personnel evaluate medical information, we note the following example.

One active duty officer admitted to using a "list of medically disqualifying conditions" to determine whether or not an AFEES physical was to be scheduled for the registrant. He admitted to his practice during a case of an I-W who was diagnosed by a civilian physician as having "hyperucremia." Since "hyperucremia" was not on his list, the officer denied the registrant a physical on behalf of the State Director. The following week this same officer consulted a medical doctor and found that this diagnosis was the same as a diagnosis of "gout," a disqualifying condition under Chapter 2, Army Regulation 40-501. The registrant was finally scheduled for an AFEES physical and a special consultation at a large Army hospital. He was found to be disqualified for further alternate service and subsequently classified "4-F" by his local board. (See Appendices E-3, E-113, E-116, E-158, E-163 through E-165.)

Not infrequently inordinate amounts of time transpire before a registrant is properly channeled to appear at AFEES for a physical examination. Frequently weeks and months are involved. One justification for these delays by State Headquarters personnel is that they have difficulties securing appointments at AFEES. Yet, official inquiry to Oakland AFEES indicates that all they needed was one week's notice to schedule any physical examination. In emergency situations, they indicate that they are able to give immediate appointments since they are in operation five days of the week, processing enlistments into the Armed Services. (See Appendices E-4, E-11, E-23, E-25, E-40 and E-41, E-44 through E-46, E-57 through E-60, E-74 and E-75, E-88 through E-90, E-95 through E-97, E-101 through E-104, E-112, E-125, E-129 through E-131, E-141 through E-143, E-158 through E-163.)

State Headquarters personnel have actually refused physical exams to requesting registrants, when a registrant was at an AFEES station with medical documentation in hand. The registrant was willing to be examined and the AFEES involved was willing to administer the physical at that time. In fact, the Processing Officer at the AFEES had called the man's civilian doctor, had read the doctor's evaluation and believed that there was a pressing need for immediate action. The officer telephoned State Headquarters and informed them of the man's condition and his opinion that the registrant be processed immediately. State Headquarters replied that the man was *not* to be given a physical because he was "AWOL"! This procedure is particularly heinous, as it not only violates national policy but is not even the rule for procedure in the military. Any "AWOL" or formerly "AWOL" soldier is entitled to medical care at any military medical facility without regard to pending disciplinary actions. Further, there is no provision for establishing an "AWOL" category in the Military Selective Service Act. (See Appendices E-18 through E-21, E-44 through E-46, E-69 through E-71, E-80, E-101 through 104.)

California State Headquarters have made repeated claims that they would not assign any I-W registrant to an environment which was hazardous to his health, safety or general well being. Yet, they have knowingly placed registrants into Ecology Corps camps when those registrants possessed severe allergies (especially to poison oak and various pollens). While these registrants might not have been subject to medical disqualification, it certainly was not in the interest of their general well being to be placed in an environment which was uncomfortable and perpetually aggravating.

State Headquarters has also placed, or insisted that registrants remain at, locations having environmental, physical, psychological, or social conditions which posed potentially extreme harm and risk to the registrant. Examples of this include the placing of homosexuals into remote, isolated and all-male camps of the Ecology Corps, or in some instances their insistence that such registrants remain at or return to these camps. (See Appendices E-12, E-14 and E-15, E-22, E-28 through E-34, E-37 through E-46, E-57 through E-60, E-67 through E-71, E-74 and E-75, E-91 and E-92, E-107, E-111, E-114 through E-123, E-125, E-132 through E-135, E-141 through E-143, E-146 through E-150, E-152 and E-153, E-164 and E-165.)

State Headquarters personnel have also abused their administrative discretion by failing to act upon correspondence from registrants regarding suicide attempts, homosexuality, and clearly stated examples of bizarre behavior. While Headquarters officers are not medical specialists, in their training as military officers, they ought to have learned methods of evaluating bizarre behavior and the proper methods of reporting such behavior to competent medical authorities. (See Appendices E-5 through E-9, E-26, E-51 and E-52, E-65 and E-66, E-69 through E-72, E-80, E-82 through E-84, E-91 and E-92, E-101 through E-104, E-107, E-132 and E-133, E-146 through E-150.)

As a final point, it should be noted that State Headquarters personnel have constructively refused the assistance and cooperation of other governmental personnel, federal or state, of competent professionals (i.e., psychologists, social workers, nurses, etc.), the registrant's family, attorneys and other persons, who while only private citizens, attempt to help in individual cases. Certainly this is not the role of the Selective Service System, which needs the active cooperation of the civilian community. (See Appendices E-1 and E-2, E-18 through E-21, E-26 through E-36, E-47, E-63 and E-64, E-68, E-72, E-85 through E-87, E-95 and E-96, E-107, E-144 and E-145.)

We believe that the points raised above are indicative of a general attitude at State Headquarters that medical complaints probably emanate from malingerers and individuals who are attempting to shirk their responsibility under the law. It certainly has been intimated that your office has counseled individuals in the methods of securing medical disqualifications. The conflict comes down here to one between the State Headquarters' perceived needs for discipline and

"keeping registrants in line" versus the legitimate medical needs of the registrants. The clear intent of the law is to provide registrants with a mechanism for review of their medical condition. The practice in this State clearly does not afford the registrant that opportunity.

D. Decertification

While it is an elusive topic, there is certain evidence to suggest that alternate service employers have had their agencies decertified as being eligible on the basis of the regulations promulgated by State Headquarters. If it is ultimately upheld that the promulgation of these regulations was illegal, then those employers so affected have been arbitrarily and illegally denied the opportunity to participate in the Alternate Service Program.

It must be presumed that an employer, once deemed an acceptable alternate service employer, has a vested interest in the continued cooperation of the registrant. There are provisions which allow for the termination of employment on the basis of improper performance at the work assignment, failure to comply with reasonable regulations of the firm and others. It is presumed in the regulations that the employer will have sufficient initiative, and sufficient concern to report violations by the registrant to the State director.

As mentioned above, those regulations which extend the requirements for alternate service as outlined in the RPM have probably scared away many prospective employers. This is in contradiction to the State directors' mandate to encourage new employers to participate. Although it would be hard to estimate the numbers of prospective employers discouraged by the unnecessary bureaucratic waste of maintaining card sheets, having only one supervisor over a CO and the other unnecessary provisions promulgated by State Headquarters, it should be relatively simple for an investigating Committee to determine exactly to what degree the program of decertification has been pursued.

We know of only two programs for certain which were decertified and which are decertified to this date. There are others which were decertified temporarily. (See Appendices F–1 and F–1 a–e and F–2 and F–2a.) Whether or not decertification is a large problem or not is something which we do not know at this point. Given the fact, though, that extended regulations exist for determining eligibility, it is quite likely that there are other programs similarly situated. The important point to return to is that, whether or not any more programs have been decertified, there is a potential for such action based upon the illegally promulgated regulations of State Headquarters. (cf, Appendices B–5 and B–6.)

E. Other administrative inequities

In at least two other identifiable ways, the State Headquarters personnel have administered the Alternate Service Program inequitably, both within the State and with respect to the nation.

The first has been mentioned herein before. Specifically, it was the manner in which local boards have been informed of the completion of the alternate service obligation by I–Ws who were released under the provisions of *Levi v. Tarr*. As indicated above (and in Appendices A–7, A–8, A–9, A–12 and A–13), State Headquarters personnel have disallowed the granting of 4–Ws to those registrants who had completed their alternate service of more than 180 days, in the face of the appropriate governing regulations. This has worked to the detriment of the registrants involved, and seems to reflect a fear on the part of State Headquarters personnel that COs may ultimately become eligible for veterans' benefits.

As a tangent to this, it should be noted that the State Headquarters has gone beyond its informing role, in outrightly advising the local board of the classification to assign a registrant. Classification by law is a prerogative of the local boards, with the obligation on the part of the State Headquarters to provide a statement as to whether or not the registrant completed his required service as provided under all the regulations. In *Levi* cases, although not specifically required by the court, State Headquarters personnel failed to perform this advisory function.

The second failure was State Headquarters personnel's failure to undertake a thorough review of its files to ascertain exactly who should be released under the *Levi* order. This has obviously worked a disadvantage on some registrants, causing them to work for extended periods of time when they should have been released from their obligation. How many other registrants are similarly situated is unknown to us, but if eight out of approximately one hundred and five individuals are in this class (7%), then, if this percentage holds, there might be as many as one hundred and five more individuals who are not presently aware they are eligible for release.

IV. RELATIONSHIP OF THE STATE HEADQUARTERS TO THE CALIFORNIA ECOLOGY CORPS

In the course of our work, it has appeared to us that the State Headquarters personnel have developed a relationship with the California Ecology Corps that goes beyond the provisions of the regulations.

RPM 660.2 provides a program under which State directors are to actively solicit, expand and build upon the numbers of jobs and the diversity of job placements available to Alternate Service employees.

As mentioned above, some programs that had accepted Alternate Service employees had been decertified on the basis of arbitrary and illegal regulations promulgated by State Headquarters personnel. It should be noted that those individuals whose jobs were decertified were generally routed into the Ecology Corps.

The act of decertifying a program raises serious questions about the rights of the registrant in selecting or suggesting his next alternate service job. In Appendix G–1, State Headquarters personnel state that "when an alternate service employer is suspended for failure to meet our administrative requirements this headquarters will not act on the assumption that all the conscientious objectors assigned to that organization are also not meeting our requirements. We will instead look at each man's case." Here, State Headquarters personnel are assuming that in at least some instances registrants who work for programs to which the State Headquarters initially assigned them, and from which they were later arbitrarily decertified, are in some way responsible for the actions of their employers. That a registrant can be held accountable for actions beyond his control clearly circumscribes his rights with respect to securing a continuing assignment. A limited pattern has developed in which the State Headquarters personnel, having decided to decertify a program, decline then to offer the registrant a range of job choices, but rather route him into the Ecology Corps. The extent of this pattern is not known presently, as we have been unable to see some files which we have reason to believe will more readily document this type of action. (See, however, Appendices G–1, G–5 and G–5 a–c, G–6 and G–6 a–c.)

As background regarding the extreme interest that the Selective Service System has had with respect to the Ecology Corps, California, the following should be noted. In a letter to Major William McCann on September 17, 1971 (Appendix G–2), then Director Dr. Curtis Tarr stated "I recognize that only a return to inductions will satisfy the pressing need for men to man the Ecology Corps. Unless our induction authority is restored rather quickly I anticipate that the centers may not be able to continue in operation. This truly would be a sad thing for all of us who have held high hopes for the accomplishments of the camp." In that letter he goes on to conclude that the management of the California Department of Forestry and the California Ecology Corps should undertake to insure that non-conscientious objectors be recruited to work for the Corps, "because then they (the conscientious objector community) would see the evidence that we are not planning to convert these camps into conscientious objector work camps."

The question to be asked is why the great concern on the part of the Selective Service System, a federal agency, for the success of failure of essentially a state program? Surely, the Selective Service System, and in particular the Alternate Service Program, should not be utilized to bolster the personal projects of governors or bureaucrats in the various states.

While in its own right the Ecology Corps may be a program deserving of the support of administrators, legislators and even conscientious objectors, it would appear to us that it violates the integrity of the Selective Service System to presume that it has a duty to protect the Ecology Corps.

It is this very attitude which has led to a significant number of the problems we have identified vis-a-vis the administration of the California Alternate Service Program. Registrants' jobs in community based, volunteer and other programs whcih have not met the "administrative requirements" of the California Headquarters personnel have been slashed, to the benefit of the Ecology Corps.

It would appear from the 1971 letter regarding transfers from the Ecology Corps (Appendix D–10) that the State Headquarters personnel view the Ecology Corps as they view any other participating organization. This position has not been upheld in practice, however. In fact many petitions for reasons of hardship, medical conditions, psychiatric conditions, inappropriateness of work and inapplicability of skills have met with no response from the State Headquarters personnel. It is clear to us that the State Headquarters personnel have decided to make a judgment among competing jobs which all vie for the category of being within the national interest. Instead of simply assigning a registrant into the job of his choice, which also meets the national interest and all the other provisions of 32 C.F.R. 1660.6, the State Headquarters personnel have opted to make a decision among competing jobs. It appears that the Ecology Corps is the beneficiary of this largesse.

Appendices G–3 and G–4 stand as the most stark examples of the interest that the State Headquarters personnel have with the Ecology Corps. In G–3 in particular, the State director indicates that the registrant should be mailed "the California Ecology Corps letter." (cf, Appendix G–4). That the state has a special letter for this particular employer must in some way lessen their commitment to the 1,000 other placements they have acquired. It should be further noted that in both of these letters the registrant is given a choice of jobs which place him either in the Ecology Corps or out of the state. This Hobson's choice can only be viewed as a clear effort to force the registrant to choose the closer location of the Ecology Corps camp over the more distant facilities offered. This indirect routing of people into the Ecology Corps is less than subtle, and clearly does not demonstrate an interest in seeing that the special skills or talents of the registrant are utilized.

(See also, generally, Appendix G–7.)

V. JOB ASSIGNMENT IN CONFLICT WITH THE STATED BELIEFS OF THE REGISTRANT

In the history of conscientious objection there have been two categories of COs. The first are those individuals who are able to reconcile their conscience with participation

in the military, as long as they are not in a position to inflict death or injury. The second are those who believe that contact or association with the military is as reprehensible to them as the act of killing. Only this second group ever find themselves working as I–Ws in alternate service.

There developed a situation in the administration of the alternate service program which allowed for the continued participation of COs in an Ecology Corps camp which was made a Presidio adjunct, and which was policed by Military Police. (See Appendix H–1.) Quite obviously, the conscientious objectors performing at the Palo Seco Ecology Corps camp were upset with the growing military presence at the installation. (See, generally, Appendices H–2 through H–8.)

In spite of the protests by the registrants to the Camp Director, protesting the placement of the base under essentially military control on 26 July 1973, the State Headquarters placed registrants into the camp after that date. (See Appendix G–6.) Needless to say, there was significant tension between the conscientious objectors and the military police. Certain properties (peace flags, etc.) were destroyed by the military police, and there was an atmosphere of tension and hostility.

It is our opinion that the transfer of individuals to the Palo Seco Ecology Corps camp after the presence of the military police, and the maintenance of those COs already there, represented a breach of faith on the part of the State Headquarters. We believe that all COs should have been immediately removed from Palo Seco, while it was under the control of military police. It is one thing for State Headquarters personnel to attempt to maintain that in matters of competing national interest they have the right to make a determination as to which national interest they believe should be served. It is another to persist in the determination that national interests override the stated objections of COs performing alternate service.

In Appendix H–9, a registrant specifically asked that he be transferred from an Ecology Corps camp. The basis for his request was that Ecology Corps regulations forced him to shave his beard. This man was an Orthodox Jew and such an action forced him to violate his religious convictions and brought about considerations of suicide. This insensitivity was uncalled for.

As a sidelight to this, it should be noted that the Alternate Service Program in the State, and probably in the other states, is operated by military personnel. This in itself violates the stated position of conscientious objectors, and was commented upon frequently by the I–W registrants we came in contact with.

VI. DIFFICULTIES ADMINISTRATIVE WORK DUE TO HEADQUARTERS ATTITUDES

As a final point of analysis, we believe that the difficulties facing our office as a result of our inquiries on behalf of numerous alternate service employees have been severe.

From the very beginning of our efforts, we have met with severe resistance to our attempts to analyze the information contained in Selective Service files. The most recent communication from the National Director, and your reply to the General Counsel, is the ultimate reflection of the intransigence of State Headquarters in responding to our requests. In spite of the fact that we were duly authorized to look at files, we have not seen many of the files requested. This is in spite of the fact that our requests have been pending from some six months. (See, generally, Appendices I–1, I–2, and I–3.)

In what can only be viewed as a threat to intimidate us from acting in what we believed were the best interests of the registrants seeking our assistance, we have been accused of counseling individuals to violate the law. (See Appendix I–2.) These charges are of course unfounded. That the State Headquarters feel threatened by our ability to provide accurate information to the registrants as to their rights under the Military Selective Service Act, the Code and the RPM should be no basis for threatening members of your staff with prosecution because certain individuals have decided to exercise those rights.

While these two facts are numerically small, the repetitious pattern of abuse that we have been subjected to has heightened the problem. We have some evidence which suggests that the treatment of our office is unique, as other members of the House and the Senate have had their inquiries and their requests on behalf of registrants answered promptly and have seen the concerns of their constituents resolved. (See Appendices I–2 and I–5.) In those instances which we are aware of, proper procedures were implemented after contact by another Member of Congress, whereas regulations have been ignored even after the most vigorous assertion on our part of the rights existing for the registrant. We recently discovered that one I–W registrant in particular has now waited some two and one-half months to be scheduled for an examination which we requested in August.

We can only conclude that the State Headquarters either distrusts the motivation of yourself and your staff, or perhaps feel burdened by our insistence on their pursuing the proper course of action in a given case. In either case, it would appear to us that the reponsibility is upon the Selective Service System to insure the registrant that his rights are being protected and implemented, and not upon us to fail to assert the registrant's position when his rights have been abridged.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WALSH (at the request of Mr. GERALD R. FORD), for the balance of the session, on account of illness.

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. TREEN) and to revise and extend their remarks and include extraneous matter:)

Mr. MINSHALL of Ohio, for 1 hour, December 4, 1973.

Mr. SHRIVER, for 10 minutes, December 3, 1973.

Mr. RAILSBACK, for 5 minutes, today.

Mr. FRENZEL, for 20 minutes, today.

Mr. FRELINGHUYSEN, for 10 minutes, today.

Mr. SHOUP, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. THORNTON) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY of New York, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. CULVER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DELLUMS, and to include extraneous matter, notwithstanding the fact that it exceeds five pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,045.

Mr. SEIBERLING, during debate today on S. 2673 under suspension of the rules, and to include extraneous material.

(The following Members (at the request of Mr. TREEN) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. DERWINSKI in two instances.

Mr. WYMAN in two instances.

Mr CARTER in three instances.

Mr. LANDGREBE in 10 instances.

Mr. RAILSBACK.

Mr. YOUNG of Florida in five instances.

Mr. STEELMAN in two instances.

Mr. ASHBROOK in three instances.

Mr. YOUNG of Illinois in two instances.

Mr. LOTT.

Mr. COUGHLIN.

Mr. HOGAN.

Mr. MCCLORY in three instances.

Mr. CLEVELAND.

Mr. BEARD.

Mr. KEMP in two instances.

Mr. REGULA.

(The following Members (at the request of Mr. THORNTON) and to include extraneous material:)

Mr. CONYERS in 10 instances.

Mr. GONZALEZ in three instances.

Mr. GIAIMO in 10 instances.

Mr. RARICK in three instances.

Mr. ANNUNZIO in six instances.

Mr. LONG of Maryland in 10 instances.

Mr. MOSS.

Mr. DE LA GARZA in 10 instances.

Mr. REUSS.

Mr. LONG of Louisiana in two instances.

Mr. DINGELL in two instances.

Mr. EDWARDS of California in two instances.

Mr. ROUSH in three instances.

Mr. HARRINGTON in three instances.

Mr. CHARLES WILSON of Texas in four instances.

Mr. EVINS of Tennessee.

Mr. SEIBERLING in 10 instances.

Mrs. GRASSO in 10 instances.

Mrs. SCHROEDER in 10 instances.

Mr. FISHER in three instances.

Mr. ANDREWS of North Carolina.

Mr. DAVIS of Georgia in five instances.

Mr. BRASCO in six instances.

Mr. BRINKLEY.

Mr. PICKLE in two instances.

Mr. DRINAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 417. An act to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park; to the Committee on Interior and Insular Affairs.

S. 513. An act to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities; to the Committee on Banking and Currency.

S. 577 An act for the relief of Cmdr. Howard A. Weltner, U.S. Naval Reserve; to the Committee on the Judiciary.

S. 1468. An act to authorize the establishment of the Knife River Indian Villages Na-

tional Historic Site; to the Committee on Interior and Insular Affairs.

S. 1976. An act to study an Indian nations trail within the national trails system; to the Committee on Interior and Insular Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on November 30, 1973, present to the President, for his approval, bills of the House of the following title:

H.R. 1328. An act for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army (retired);

H.R. 1948. An act for the relief of Edgar P. Faulkner and Ray H. New.;

H.R. 1949. An act for the relief of Hazel W. Lawson and Lloyd C. Johnson;

H.R. 2207. An act for the relief of Joseph C. Leeba;

H.R. 2213. An act for the relief of Cornelius S. Ball, Victor F. Mann, Jr., George J. Posner, Dominick A. Sgammato, and James R. Walsh;

H.R. 3044. An act for the relief of James Evans, publisher of the Colfax County Press, and Morris Odvarka;

H.R. 3530. An act for the relief of Eugenia C. Lyttle;

H.R. 3751. An act for the relief of James E. Fry, Jr., and Margaret E. Fry;

H.R. 4175. An act for the relief of Manuel H. Silva;

H.R. 4448. An act for the relief of 1st Lt. John P. Dunn, Army of the United States, retired;

H.R. 8406. An act for the relief of William M. Starrs; and

H.R. 9276. An act for the relief of Luther V. Winstead.

ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Tuesday, December 4, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1593. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the annual report of the Commission for fiscal year 1973, pursuant to 16 U.S.C. 715b; to the Committee on Agriculture.

1594. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting a report of the audit of the books of the Quartermaster General of the VFW for the fiscal year ended August 31, 1973, pursuant to Public Law 74–630; to the Committee on Armed Services.

1595. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to authorize U.S. payments to the United Nations for expenses of the United Nations Emergency Force in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

1596. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(I)(ii)(b)]; to the Committee on the Judiciary.

1597. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

1598. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order suspending deportation in the case of Carlos Marquez de la Plata, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254(c)(1)); to the Committee on the Judiciary.

1599. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act (8 U.S.C. 1255b(c)); to the Committee on the Judiciary.

1600. A letter from the National Adjutant Paymaster, Marine Corps League; transmitting the annual report of the league for the year ended July 31, 1973; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

1601. A letter from the Comptroller General of the United States, transmitting a report on the proposed repeal of the appointment requirement for appointments in the Departmental Service in the District of Columbia; 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 calender, as follows:

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 8529. A bill to implement the shrimp fishing agreement with Brazil; with amendment (Rept. No. 93–687). Referred to the Committe of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 6074. A bill to amend the act of May 20, 1964, entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels" to define those species of Continental Shelf fishery resources which appertain to the United States, and for other purposes; with amendment (Rept. No. 93–688). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. House Concurrent Resolution 173. Concurrent resolution relating to the U.S. fishing industry; with amendment (Rept. 93–686). Referred to the House Calendar.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 5898. A bill to amend the Merchant Marine Act, 1936, to provide authority to the Secretary of Commerce to issue permits to construct, operate, and maintain certain offshore port and terminal facilities; with amendment (Rept. No. 93–692). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 731. Resolution providing for the consideration of H.R. 11401. A bill to provide for, and assure the independence of, a Special Prosecutor, and for other purposes (Rept. No. 93–691). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. 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" (Rept. No. 93–689). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 11622. A bill to name the Federal Office Building, South, in New Orleans, La., as the "F. Edward Hébert Federal Building" (Rept. No. 93–690). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. BAFALIS, Mr. BRASCO, Mr. BROWN of California, Mr. DERWINSKI, Mr. FREY, Mr. HELSTOSKI, Mr. JONES of North Carolina, Mr. LEHMAN, and Mr. METCALFE):

H.R. 11738. A bill to amend the Internal Revenue Code of 1954 to provide an individual tax credit for disaster evacuation expenses; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. BEVILL, Mr. BINGHAM, Mr. BLACKBURN, Mr. BOLAND, Mr. BRASCO, Mr. BYRON, Mrs. COLLINS of Illinois, Mr. DENHOLM, Mr. FASCELL, Mr. FRASER, Mr. FREY, Mr. GUDE, Mr. GUYER, Mrs. HECKLER of Massachusetts, Ms. HOLTZMAN, Mr. HOWARD, Mr. JOHNSON of Pennsylvania, Mr. JONES of Alabama, Mr. LONG of Maryland, Mr. LUJAN, and Mr. METCALFE):

H.R. 11739. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. MILLER, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. O'BRIEN, Mr. PICKLE, Mr. RANGEL, Mr. RINALDO, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROY, Mr. ROYBAL, Mr. ST GERMAIN, Mr. SARBANES, Mr. SEIBERLING, Mrs. SULLIVAN, Mr. THOMPSON of New Jersey, Mr. THOMSON of Wisconsin, Mr. THORNTON, Mr. WALDIE, Mr. WON PAT, and Mr. HAWKINS):

H.R. 11740. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. FROEHLICH:

H.R. 11741. A bill to insure that certain buildings financed with Federal funds utilize the best practicable technology for the conservation and use of energy; to the Committee on Public Works.

By Mr. JOHNSON of Pennsylvania:

H.R. 11742. A bill to encourage drilling and prospecting for oil and natural gas in land not known to be productive of oil and natural gas; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON:

H.R. 11743. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 11744. A bill to amend section 704 of the Foreign Service Act of 1946 to require the Secretary of State to certify to the U.S. Civil Service Commission the name and dates of service of each individual who performed certain contract services as a language instructor in the Foreign Service Institute, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HÉBERT (for himself and Mr. BRAY) (by request):

H.R. 11745. A bill to amend title 10, United States Code, to provide that commissioned officers of the Army in regular grades below major may be involuntarily discharged whenever there is a reduction in force; to the Committee on Armed Services.

By Mr. KARTH:

H.R. 11746. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the U.S. Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN (for himself, Mr. FROEHLICH, Mr. SEIBERLING, Mr. FORSYTHE, Mr. DE LUGO, Mr. FASCELL, Ms. SCHROEDER, Mr. PREYER, Mr. STUDDS, Mr. GUNTER, Ms. HOLTZMAN, Mr. COUGHLIN, and Mrs. COLLINS of Illinois):

H.R. 11747. A bill to direct the Secretary of Commerce to research and develop new building designs and construction methods which utilize solar energy and to authorize the Secretary of Housing and Urban Development to increase the maximum amount of mortgages insured under title II of the National Housing Act for certain facilities utilizing solar energy; to the Committee on Banking and Currency.

By Mr. LUJAN:

H.R. 11748. A bill to extend State jurisdiction over certain lessees of Indian lands; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. DORN, Mr. BENNETT, Mr. HAYS, Mr. HOSMER, Mr. RHODES, Mr. BOB WILSON, Mr. CLARK, Mr. FASCELL, Mr. ULLMAN, Mr. CONTE, Mr. STRATTON, Mr. BELL, Mrs. HANSEN of Washington, Mr. PEPPER, Mr. VAN DEERLIN, Mr. RONCALIO of Wyoming, Mr. BROWN of Ohio, Mrs. HECKLER of Massachusetts, Mr. RAILSBACK, Mr. MCCLOSKEY, Mr. HASTINGS, Mr. COUGHLIN, Mr. HANSEN of Idaho, and Mr. YATRON):

H.R. 11749. A bill to amend the National Trails Systems Act to authorize a feasibility study for the establishment of certain bicycle trails; to the Committee on Interior and Insular Affairs.

By Mr. REGULA (for himself, Mr. HARRINGTON, Mr. SEIBERLING, Mr. BYRON, Mr. MAZZOLI, Mr. HEINZ, Mr. CONLAN, Mrs. HOLT, Mr. BAFALIS, Mr. GUYER, Mr. CRONIN, Mr. GUNTER, Mr. HINSHAW, Mr. LEHMAN, Mr. O'BRIEN, and Mrs. COLLINS of Illinois):

H.R. 11750. A bill to amend the National Trails System Act to authorize a feasibility study for the establishment of certain bicycle trails; to the Committee on Interior and Insular Affairs.

By Mr. SANDMAN:

H.R. 11751. 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. SHOUP (for himself, Mr. ROSENTHAL, Mr. DUNCAN, Mr. PODELL, Mr. WOLFF, Mr. PEPPER, Mr. SCHERLE, Mr. HOGAN, Mr. HUBER, Mr. LEHMAN, Mr. BAUMAN, Mr. HUDNUT, Mr. RONCALLO of New York, and Mr. TOWELL of Nevada):

H.R. 11752. A bill to provide for the imposition of an embargo of the shipment of goods and materials to Arab nations; to the Committee on Banking and Currency.

By Mr. STEIGER of Wisconsin:

H.R. 11753. A bill to amend the Walsh-Healy Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; to the Committee on the Judiciary.

By Mr. ULLMAN (for himself and Mr. SCHNEEBELI):

H.R. 11754. A bill to implement the UNESCO convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property; to the Committee on Ways and Means.

By Mr. VEYSEY (for himself and Mr. PETTIS):

H.R. 11755. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of housing facilities for agricultural workers by permitting the amortization over a 60-month period of the cost, or a portion of the cost, of constructing such housing facilities; to the Committee on Ways and Means.

By Mr. HILLIS:

H.J. Res. 840. Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools; to the Committee on the Judiciary.

By Mr. PICKLE (for himself, Mr. O'NEILL, Mr. MCFALL, Mr. GERALD R. FORD, Mr. ANDERSON of Illinois, Mr. ARENDS, Mrs. BOGGS, Mr. BLATNIK, Mr. PATMAN, Mr. MAHON, and Mr. GRAY):

H.J. Res. 841. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac; to the Committee on Public Works.

By Mr. PATMAN (for himself, Mr. MAHON, Mr. POAGE, Mr. FISHER, Mr. TEAGUE of Texas, Mr. BURLESON of Texas, Mr. BROOKS, Mr. WRIGHT, Mr. YOUNG of Texas, Mr. ROBERTS, Mr. GONZALEZ, Mr. CASEY of Texas, Mr. PICKLE, Mr. WHITE, Mr. KAZEN, Mr. DE LA GARZA, Mr. MILFORD, Mr. ECKHARDT, Miss JORDAN, Mr. CHARLES WILSON of Texas, Mr. ARCHER, Mr. COLLINS of Texas, Mr. PRICE of Texas, and Mr. STEELMAN):

H.J. Res. 842. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac; to the Committee on Public Works.

By Mr. EVINS of Tennessee:

H. Res. 726. Resolution providing for the printing of additional copies of the House report entitled "The Impact of the Energy and Fuel Crisis on Small Business," House Report No. 91–1751; to the Committee on House Administration.

H. Res. 727. Resolution providing for the printing of additional copies of the House report entitled "Concentration By Competing Raw Fuel Industries in the Energy Market and Its Impact on Small Business," House Report No. 92–719; to the Committee on House Administration.

H. Res. 728. Resolution providing for the printing of additional copies of the House report entitled "Concentration By Competing Raw Fuel Industries in the Energy Market and Its Impact on Small Business," volume 3, "National Gas Survey and Synthetic Fuel Development," House Report No. 92–1404; to the Committee on House Administration.

H. Res. 729. Resolution providing for the printing of additional copies of the House report entitled "Concentration by Competing Raw Fuel Industries in the Energy Market and Its Impact on Small Business," volume 2, "Tennessee Valley Area," House Report No. 92–1313; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LEHMAN introduced a resolution (H. Res. 730) to express the sense of the House of Representatives that Aaron Stern be commended for his scientific contributions and hope that the fruits of his lifelong labor receive the recognition they merit, which was referred to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII,

369. The SPEAKER presented a petition of the Energy Crisis Subcommittee, Minnesota House of Representatives, relative to fuel allocation, which was referred to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

NATIONWIDE BICYCLE TRAIL

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. REGULA. Mr. Speaker, I have long been interested in the establishment of a nationwide system of bicycle trails. Today, with the increased emphasis on outdoor recreation, greater available leisure time and the current deemphasis on the use of gasoline I think the time has come for the implementation of this idea.

I, with the cosponsorship of 39 of my colleagues, am today introducing a bill to amend the National Trails Systems Act to authorize and direct the Secretaries of Transportation, Interior, and Agriculture to conduct studies to determine the feasibility and desirability of establishing national scenic bicycle trails and to report the findings of those studies to the President and to the Congress with recommendations for such additional administrative and legislative action as may be needed.

The bill designates three routes for potential inclusion in the National Trails System as bicycle trails. An East coast trail paralleling U.S. Route 1 from Maine to the Florida Keys, passing through Boston, New York, Philadelphia, Baltimore, and Washington and many other historic places. A West coast trail following U.S. 101 from Olympia, Wash., to San Diego, Calif., passing through Seattle, Portland, San Francisco, and Los Angeles—one of the most scenic trips in the country. A cross-continental trail along the route of the original cross-continental road, the Old Lincoln Highway, Route 30, from Atlantic City, N.J., passing along the route that our pioneer and immigrant forefathers took westward, through Cheyenne and along the Columbia River to Astoria, beyond Portland, Oreg.

During this time of energy scarcity expanded use of bikes for family vacations and local trips could help to save oil and at the same time provide a healthful experience. Last year there were more bicycles sold in the United States than